

**A HANDBOOK OF  
ENGLISH LAW REPORTS**

**THE  
LAWS OF ENGLAND**

BEING A  
COMPLETE STATEMENT OF THE  
WHOLE LAW OF ENGLAND

BY

THE RIGHT HONOURABLE THE  
**EARL OF HALSBURY**

*Lord High Chancellor of Great Britain 1885-86 ;  
1886-92 ; and 1895-1905,*

AND

A BODY OF MOST DISTINGUISHED  
LAWYERS

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A MASTER OF THE SUPREME COURT.

*Full Prospectus on application.*

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# A HANDBOOK OF ENGLISH LAW REPORTS

FROM THE LAST QUARTER OF THE  
EIGHTEENTH CENTURY TO THE YEAR 1865

WITH BIOGRAPHICAL NOTES OF JUDGES AND REPORTERS

BY

**J. C. FOX**

A MASTER OF THE SUPREME COURT, CHANCERY DIVISION.

## PART I

HOUSE OF LORDS, PRIVY COUNCIL, AND  
CHANCERY REPORTS

"Whether yll Reaporte lighteth not most commonly on the Reaporter?"  
*William Thomas, Eighty-five questions, with prefatory letter to Edward VI*

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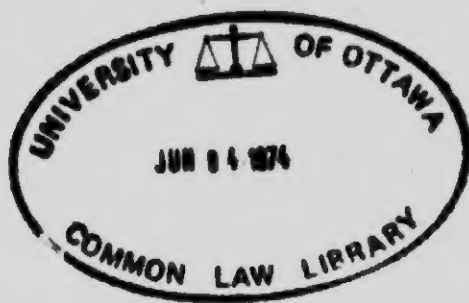
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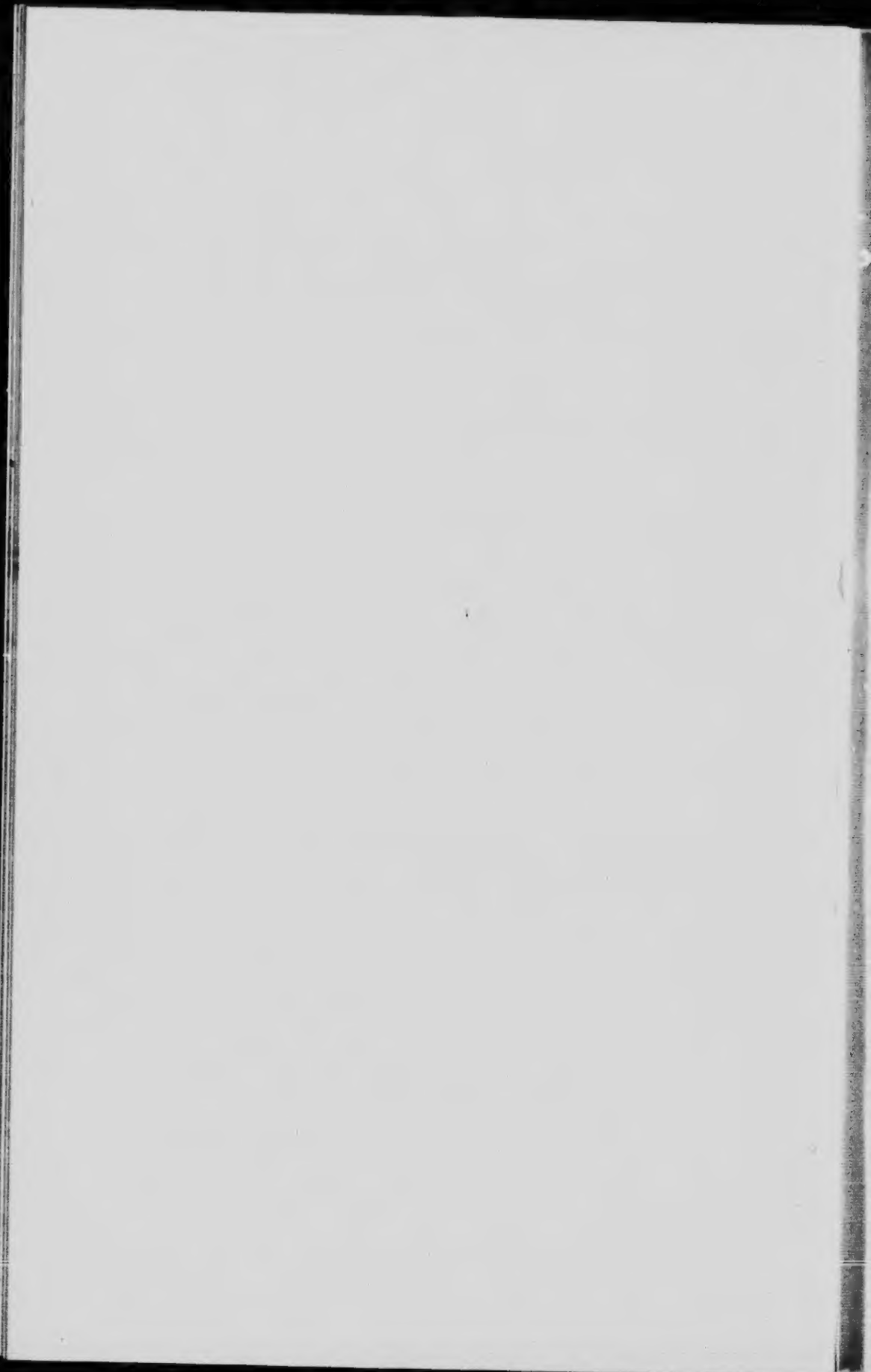
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DEDICATED,  
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THE RIGHT HONOURABLE  
SIR FREDERICK POLLOCK, BART., D.C.L., LL.D.,  
EDITOR OF THE LAW REPORT,  
TO WHOM THE COMPILER IS GRATEFUL FOR  
ENCOURAGEMENT IN THE ORIGINAL  
DESIGN OF THE WORK.



## PREFATORY NOTE.

IN *Wallace on the Reporters* an American Reporter has given us the history of his English predecessors, from the Year Books downwards, in a form which provides not only solid instruction but also excellent reading. Except for lists of reports and an occasional note, Wallace ends with the year 1776, the date of the Declaration of Independence, after which English cases cease to be binding in American courts.\* The present compilation includes Reporters from the year 1776 down to the commencement of the Law Reports in 1865. It contains a description of each set of Reports, followed by judicial and other comments upon them, with a short biographical note on each Reporter and the names of the Judges whose judgments he has reported. The present Part includes House of Lords, Privy Council and Chancery Reports. Biographical notes of the Judges, limited to such particulars as bear upon their legal attainments, are added in an appendix and are followed by an index of Judges, Reporters and Reports contained in the volume. The collection, it is hoped, will be of use to the student in estimating the value of any set of reports as a whole. The experienced practitioner has acquired the necessary information by his own research or by tradition; yet to him, also, a ready means of reference to criticisms on reports may sometimes be useful.

The writer is indebted to several friends and especially to Reporters, past and present, for advice and suggestions. It is upon such advice, where written record is not to be found, that he has ventured to offer a general opinion on the quality of the reports described.

\* It is said that the editor's matter in the 4th edition of Wallace (1882) is not always to be relied on. The 3rd edition (1855) is praised by Mr. Justice Vaughan Williams in delivering the Judgment of the court in *Farrall v. Hilditch* (1859), 5 C. B. (N. S.) at p. 855. The present writer is informed on good authority that the book was a favourite of the late Mr. Justice Willes'.



Where the sources of information are so numerous it is impracticable to specify all, but acknowledgment is made to the following works: *Wallace on the Reporters*, *Soule's Lawyer's Manual*, *Marvin's Legal Bibliography*, *Kent's Commentaries*, *Bridgman's Legal Bibliography*, *Law List*, *Law Journal*, *Law Times*, *Solicitor's Journal*, *Chitty's Equity Index*, *Cave's Table of Reports before the Law Reports*, *Lord Campbell's Lives of the Chancellors and Lives of the Chief Justices*, *Foss's Judges of England*, *Biographica Juridica*, and *Tabule Curiales*, *Daniel's History of the Law Reports*, *Sir Frederick Pollock's First Book of Jurisprudence*, *Atlay's Victorian Chancellors*, *Manson's Builders of our Law*, the prefaces to the volumes of the *Revised Reports*, *The Times* newspaper, *Boase's Modern English Biography*, *Haydn's Book of Dignities*, and the *Dictionary of National Biography*.

It is proposed to include in a Second Part common law and miscellaneous reports, including Reports in all the courts.

A compilation of this kind must greatly depend for its usefulness upon material supplied by members of the profession out of their experience and the compiler will be grateful for further information or suggestions.

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# A HANDBOOK OF ENGLISH LAW REPORTS.

## INTRODUCTION.

It has been said that the law reporter is a pillar of the Constitution (a), and the statement can hardly be disputed when we consider that the published reports of decisions in the Supreme Courts constitute the evidence of a great part of the Law of England (b). Lord Bacon said that as Reports are more or less perfect, so the law itself is more or less certain, and, indeed, better or worse (c). Therefore published reports, like other evidence, require sifting to enable us to form a true estimate of their value. In considering a set of reports as a complete work, some of the following questions are suggested: What were the qualifications of the reporter? Under what circumstances were his reports published? Did he himself take notes of the cases or did he borrow, and from whom? Were the reports published during his lifetime or edited by others after his death? Were they prepared by him with a view to publication? What opinions as to the authority of his reports have been delivered by judges and learned writers?

(a) *Sat. Rev.*, 22nd October, 1910, p. 512.

(b) The late Professor Maitland speaks of the historical value of reports: "When all has been said that it is fair to say of England's wealth of legal records, the truth remains that the history of English law from the days of Edward I. to the days of Edward VII. must be primarily sought, not in records properly so-called, but in reports. To this may be added that in the way of intellectual products medieval England had nothing more purely English to show than its law reports, its Year Books. *Introduction to the Year Books of 1 & 2 Edward II.*, Selden Society, 1903, p. ix. See also the introduction to Holdsworth's *History of English Law*, vol. i.; and on the subject of Reports as records of law, see Sir Frederick Pollock's *First Book of Jurisprudence*, third edition, pp. 287-314; Professor Dicey, *Law and Public Opinion in England during the Nineteenth Century*, pp. 359-368.

(c) *Touching the Amendment of Laws*.

F. L. R.,

What are the special features of the several editions? Although such questions apply more especially to the earlier reports they cannot be disregarded in the case of some which belong to the nineteenth century (*d*). In 1762, Sir Michael Foster writes that

"many of the hasty, indigested things, called reports of adjudged cases . . . mere fragments of learning, the rummage of dead men's papers or the first essays of young authors, have been the bane and scandal of the law considered as a science founded upon principle." He calls them "the *ignes fatui* of the profession; they always bewilder the reader, and frequently mislead him" (*e*).

Watkins, in 1800, bewails the manner in which many cases are reported, and adds: "Consider how soon a reported case becomes what is called 'authority,' and consider how soon authority shoulders out common sense" (*f*).

The report, properly so called, is distinct, on the one hand, from the newspaper report, which in modern times has supplied the public with particulars considered to be of general interest, and, on the other, from the record of the Court, which registers the substance of the judgment, but not the reasoning on which it is based.

"The object of the record is a decent finality: 'interest reipublice ut sit finis litium.' The object of the report from the very first is science, jurisprudence, the advancement of learning" (*g*).

The report may be a short note or outline of the decision prepared for immediate publication, but to be superseded by the fully developed report, and not to be cited when the fuller report is available.

A distinction of importance was formerly drawn between what were described as authorized and unauthorized, regular and irregular, reports. The practice of submitting reports to the judges for approval before publication is of long standing. Plowden submitted his reports as drawn out to the judges and serjeants (*h*).

The Act of 1662 to regulate the printing of books (14 Charles II. c. 38), prohibited the printing of law books without the licence

(*d*) See on this subject Wallace's "Preliminary Remarks" in his *Reporters*. On the methods of reporting in modern times, see an *Address to Lord President Hope . . . on the Method of Collecting and Reporting Decisions*, by Robert Hannay (1821), as well as the authorities cited in note (*b*), *supra*.

(*e*) *Crown Law*, Preface, p. iii. Lord Mansfield had already used the illustration of the *ignis fatuus* in referring to reports which fail to give a correct state of the case (*Rea v. Peters* (1758), 1 Burrows, 571).

(*f*) *Principles of Conveyancing*, p. xvi.

(*g*) Professor Maitland, *ut supra*, p. x.

(*h*) *Plowden's Reports*, Preface.

of the Lord Chancellor, the two Chief Justices and the Chief Baron, and such a licence was prefixed to subsequent reports, sometimes with the addition of a testimonial to the learning of the author. The Act was renewed, but allowed to expire in May 1695, for reasons not specially affecting law books (i). A licence and testimonial, however, continued to be used. In 1699, upon a case in 2 Modern Reports being cited, "Holt, C.J., in *ir*d, said that no books ought to be cited at the bar but those which were licensed by the judges" (k).

The practice of granting licences ceased about the middle of the eighteenth century, at which period the reporters seem to have been as unwilling to apply for licences as the judges were to grant them (l).

In 1765 a new era began with the Reports of Sir James Burrow, whom Lord Campbell places with Douglas, Cowper, and Durnford and East, and calls them "the very best law reporters that have ever appeared in England" (m). In 1785 commenced the Term Reports of Durnford and East. At this time the current reports were not issued for two or three years after the decisions, a condition of affairs which these reporters undertook to remedy, so far as cases in the King's Bench were concerned, by issuing concise reports regularly after the end of each term. Reports on the same principle were afterwards established for the other courts, viz. by Henry Blackstone in the Common Pleas in 1788, by Francis Vesey in the Court of Chancery in 1789, by Anstruther in the Exchequer in 1796, and by Dow in the House of Lords in 1814. These and their successors acquired, with the sanction of the judges, the exclusive right (so far as regarded contemporary reporters) of citation in their respective Courts, and became known as the "regular" or "authorized" reports. The term "regular" was perhaps first applied to denote the regularity of their issue as distinguished from the more dilatory reports, and the term "authorized" indicated that the judges granted facilities to the reporters by furnishing copies of their judgments or revising the reporters' notes of them. This practice of the judges seems to

(i) See 4 Will. & M. c. 24, s. 14, and 15 Lord's Journals, 545 b and 590.

(k) *Bishop of Salisbury v. Phillips*, 1 Lord Raymond, p. 537.

(l) See Preface to Burrow's Reports, p. v.; Preface to Douglas, p. viii.

(m) *Lives of the Chief Justices*, 2nd ed., II., 405. For a comparison between the record of cases in the Year Books and the modern report, see *Law Quarterly Review*, volume xxii., p. 380.

have originated or to have been revived in the last quarter of the eighteenth century. In 1785 William Brown, the reporter of Chancery Cases, 1778-1785, was furnished by Mr. Justice Ashurst with notes taken by him while sitting as one of the Lords Commissioners of the Great Seal (see *Brown's Chancery Cases*, p. 82, *infra*). The position of the authorized reporter at the commencement of the *Law Reports* is shown by Sir John Romilly's letter of 2nd November, 1865, quoted in the preface to 84 Beavan (n).

Before the year 1820 some of the authorized reports had become prolix in form and dilatory in publication, thus reverting to former errors. In 1828 a new class of reports giving concise notes of recent decisions in all the Courts, was inaugurated by the issue of the *Law Journal*. This was followed by the *Jurist* (1837), the *Law Times* (1848), the *Weekly Reporter* (1852), and the *Times Law Reports* (1884) (o). The "unauthorized" reports, in spite of opposition, established the right to be cited in all the Courts, and the rule laid down by Lord Westbury now prevails, that

"as soon as a report is published of any case with the name of a barrister annexed to it, the report is accredited, and may be cited as an authority before any tribunal" (p).

When separate reports of a case differ that contained in the authorized report is preferred (q).

The rule as to citing newspaper and other ephemeral reports may be referred to. On a case being cited, reported only in the *Times* newspaper, the Court asked Baron Martin, who had been counsel in the case, to refer to the newspaper, and, after thus refreshing his memory, to say whether the decision there reported was pronounced (r). In *Reg. v. Labouchere* (1884) (s), Lord Coleridge, C.J., cited passages from cases furnished to him by a barrister who had reported them for a newspaper and vouched for their

(n) See under Beavan, p. 60, *infra*. See also *Law Quarterly Review*, volume vi., p. 342, note, and 118 Revised Reports, Preface.

(o) Besides these, from the early part of the nineteenth century onwards, rivals of the authorized reports appeared; these are known as "collateral reports."

(p) Speech in the House of Lords, 12 June, 1863, *Hansard*, 3rd series, volume 171, p. 778; and see *Francome v. Francome* (1865), 11 Jurist N. S. 123. But in *Re Mowlem* (1874) 43 L. J. Ch., p. 354, Jessel, M.R., refused to acknowledge any but the authorized report.

(q) See *Re Porter* (1856), 2 Jur. N. S. 349; *Leather Cloth Company v. Lonsont* (1870), L. R. 9 Eq. p. 351.

(r) *Attorney-General v. Sillam*, *Times*, 19 Nov., 1863, p. 7, col. 4.

(s) 12 Q. B. D. at p. 328.

substantial correctness. The *Weekly Notes*, published by the Council of Law Reporting, may only be cited on points of practice or as interim reports until the cases are fully reported (f). The same rule applies to notes of cases published in the legal newspapers and signed by a barrister.

It was formerly the practice of judges to cite unpublished manuscript reports. An instance of such a citation is found in *Sidney v. Millar* (1815) (u). In *Garland v. Carlisle* (1887) (v). Williams, J., in his opinion, cites manuscript notes by himself and Richardson, J. Watkins ridicules the practice in the preface to his *Principles of Conveyancing* (1800) :

"Is a judge to say, 'Lo! I have the law of England on this point in my pocket. Here is a note of the case which contains an exact statement of the whole facts and the decision of my Lord A. or my Lord B. upon them. He was a great, a very great man. I am bound by his decision. The printed books are inaccurate. I cannot go into principle. The point is settled by this case'? Under such circumstances who is to know when he is right and when he is wrong? . . . Is a paper evidencing the law of England to be buttoned up in the side pocket of a judge or to serve for a mouse to sit upon in the dusty corner of a private library?"

The judges do not cite manuscript reports at the present day. A barrister is permitted to cite a manuscript note of a point decided if he can vouch for its correctness (x). In *Foster v. Cockerell* (1885) (y), Counsel was allowed to cite a report of a case from the manuscript note-book of Mr. Justice Burnett (z), who was called in to assist Lord Hardwicke with his opinion in the case. The transcript of a shorthand note of a judgment cannot be cited as evidence of a decision on a question of law (a).

The rival reports appeared and disappeared, while the "authorized" series continued under the names of successive reporters down to the year 1865. In that year the *Law Reports* came into existence under the supervision of the Incorporated Council of Law Reporting for England and Wales, as Daniel has related at length in his *History* (b). This undertaking, unassisted

(f) *Re Loveridge*, [1902] 2 Ch. p. 865, and cases cited.

(u) G. Cooper, 209, 210; 14 R. R. 250; and *vide* 14 R. R. preface, p. vi.

(v) 4 Cl. & Fin. 714.

(z) *Ex parte Hawley* (1834), 2 Montagu and Ayrton, at p. 435; *Reg. v. Labouchere*, cited at p. 4, *supra*.

(y) 9 Bligh, N.S., at p. 361.

(s) In Lincoln's Inn Library.

(a) *Ex parte Hawley*, *supra*.

(b) *History and Origin of the Law Reports* (1884); and see the review of this book by Lord Justice Lindley in *Law Quarterly Review*, i. 137.



by public funds and self-supporting, is the offspring of the legal profession. Its method of working is described in the *Law Quarterly Review* for October, 1908 (c).

The disadvantages of a system of rival reports were pointed out by a reporter in 1857. Referring to contemporary reports, he says :

"Their oppressive prolixity, the poverty of their ordinary materials, the expenditure of time and money which they occasion, are not chargeable against the ill-rewarded enthusiasts who compose them. Thus Mr. A. publishes a long case simply because Mr. B. has published it, or may publish it, under a similar apprehension respecting Mr. A. So again, Messrs. C., D., E. and F. are respectively operated upon by the like curious rivalry. Each fears the omission by himself of something that may be cited from another. Hence, the reports recommend themselves to buyers, not as containing the good cases and the good dicta, but as containing all the cases and all the dicta. No wonder that the speculation of the publishers proves sometimes worse than that of those whom they employ" (d).

At the time the *Law Reports* commenced the "authorized" reports were :

Clark (House of Lords Cases).<sup>1</sup>  
 Macqueen (House of Lords, Scotch Appeals).  
 Moore, N. S. (Privy Council).  
 De Gex Jones and Smith (Chancery and Bankruptcy Appeals).  
 Beavan (Rolls Court).  
 Drewry and Smale (V.C. Kindersley).  
 Giffard (V.C. Stuart).  
 Hemming and Miller (V.C. Wood).  
 Best and Smith (Queen's Bench).  
 Common Bench, N.S.  
 Hurlstone and Coltman (Exchequer).  
 Swabey and Tristram (Probate and Divorce).  
 Leigh and Cave (Crown Cases).

Within a year or two after 1865 the whole of the "authorized" reports had ceased to exist and most of the reporters had joined the staff of the *Law Reports*. The latter now hold the field in company with the *Law Journal*, the *Law Times* and the *Times Law Reports*. These comprise reports in all the Courts. Other existing sets confine themselves to special branches of law.

Regarding the number of reports, in Coke's time all the reports

(c) Volume xix., p. 451 ; see also volume xiv., p. 68.

(d) 2 Macqueen, at p. 687. As to printers' errors in the former authorized reports as compared with the *Law Reports*, see remarks in the prefaces to 48 and 107 Revised Reports.

were contained in 15 volumes (e). At the beginning of the eighteenth century it was remarked by a judge that when he was a student he could carry a complete library of law books in a wheelbarrow, but they were so wonderfully increased that they could not then be drawn in a waggon (f). J. W. Wallace puts the number of reports in 1776 at about 150 volumes (g). Sir Frederick Pollock estimates that the English reports at the end of 1895 extended to 1825 volumes, or 2010, including Irish reports (h).

(e) *3 Reports*, preface.

(f) *5 Modern Reports*, preface, p. xi.

(g) Wallace, *Reporters*, p. 24.

(h) *First Book of Jurisprudence*, 3rd ed., pp. 309, 310.



## HOUSE OF LORDS REPORTS.

### PRELIMINARY NOTE.

At the end of the eighteenth century the only collections of House of Lords cases were *Shower* (1694 to 1698), *Colles* (1697 to 1718), and *Brown's Parliamentary Cases* (1702 to 1717); in 1803, Tomlyn's edition of Brown brought the cases down to 1800. Shower gives the arguments of counsel at length and his cases are considered to be well reported (a). Brown and Colles (the latter, a supplementary volume to an Irish edition of Brown) are not reports in the strict sense, the nine volumes consisting of mere extracts from the printed cases of the parties with a statement of the result of the appeal taken from the Lord's Journals; however, they supply a collection of records in a convenient form and have been constantly cited in later reports and text books.

Before the Chancellorship of Lord Eldon it was not the practice of the House to give the reasons of its decisions unless the judgment of the Court below was overruled, but early in the nineteenth century it was becoming usual to give reasons when a judgment was affirmed (*Campbell's Chancellors*, v. 584, 585, vi. 251; *White v. Ritchie* (1814), 2 Dow, at pp. 383-384). From 1800 to 1818 we have no reports of English or Irish Appeals, except a few scattered cases with the reports of other Courts; in May of the latter year a standing order provided that the House should sit for judicial business on three days in the week for the whole

(a) The first edition of his reports was published anonymously, and, after reprimanding the printer at the bar, the House of Lords passed a resolution that the unauthorized publication of any of its proceedings was a breach of privilege (*Lord's Journals*, Feb. 27, 1698). Under such discouragement, and partly, perhaps, because the decisions of the House were not always duly respected by the Courts below (see Sugden's *Law of Property*, p. 40), we have no further reports of House of Lords cases until 1779, in which year *Brown's Parliamentary Cases* were begun. At this date the resolution of the House was no longer enforced. Urquhart in the preface to *The Experienced Solicitor*, a book of practice in House of Lords appeals published in 1773, tells us that having petitioned the House for leave to publish it, he was informed that it would be irregular to give the leave without a careful examination of the whole book, and so he published it without leave, and apparently without any ill consequences.

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day instead of half a day as formerly, and at this time Dow began his reports. From Dow, the line of regular reporters to the commencement of the Law Reports is unbroken, except for the period between 1821 and 1826, which is covered to some extent by Sugden's *Law of Property* (see p. 12, *infra*). Bligh was the first officially authorized reporter in the House and was succeeded in the post by West who reported English and Irish appeals only, a separate reporter being appointed for Scotch appeals (see pp. 15, 16, *infra*).

The appointment of reporters in the House of Lords rests with the Clerk of the Parliaments, subject to the approval of the Lord Chancellor.

In the appendix to John Miller's pamphlet, *On the present unsettled condition of the law and its administration* (1839), is a table showing the number of appeals and proceedings in error in the House of Lords in each year from 1664 to 1837, distinguishing English, Scotch, and Irish appeals.

#### HOUSE OF LORDS REPORTS.

##### **Dow**—*Period*, 1813—1818 (*b*).

Reports of cases upon Appeals and Writs of Error in the House of Lords. By PATRICK DOW.

6 volumes, octavo, 1814—1819.

Reprinted in 8 English Reports. See also 14—19 Revised Reports.

Dow is the first House of Lords reporter to quote the speeches of the Lords giving the reasons of the decisions. In nearly all his cases the opinions were delivered by Lord Eldon or Lord Redesdale. He quotes only one opinion of Lord Erskine, viz. in *Burdett v. Abbot* (5 Dow, at p. 200), and two of Lord Carleton, ex-Chief Justice of Ireland (1 Dow, at pp. 190, 383). Lord Holland, a lay peer, addressed the House in *Andrew v. Murdock* (1814), 2 Dow, at p. 422. Scotch appeals are included.

The general character of these reports is good.

##### *Reporter* :—

PATRICK DOW. Barrister, Lincoln's Inn 1810; left the Society in 1819; afterwards joint editor of "Dow & Clark" (see p. 13, *infra*); died at Kirkmichael, near Blairgowrie, in 1840, having founded exhibitions to be held at Scottish Universities by scholars educated at the parochial school of Kirkmichael.

(*b*) As to earlier House of Lords cases, see Preliminary Note, *supra*.

*Judges reported :—*

Lord Eldon (John Scott) ; see Appendix, p. 85.

Lord Erskine (Thomas Erskine) ; see Appendix, p. 85.

Lord Redesdale (John Freeman-Mitford) ; see Appendix, p. 85.

Lord Carleton (Hugh Carleton) ; see Appendix, p. 83.

**BLIGH (BL.)—Period, 1819—1821.**

Reports of cases heard in the House of Lords on appeals and writs of error. By RICHARD BLIGH.

8 volumes and Part I of a 4th volume, octavo, 1823—1827.

Reprinted in 4 English Reports. See also 20—22 Revised Reports.

**BLIGH, NEW SERIES (BL (N.S.))—Period, 1827—1837.**

New Reports of cases heard in the House of Lords on appeals and writs of error. By RICHARD BLIGH.

10 volumes and Parts I to III of an 11th volume, octavo, (1829—1838).

Reprinted in 4—6 English Reports. See also 30—51 Revised Reports.

The period of Bligh is covered by the Chancellorship of Lord Eldon ; Bligh New Series by those of Lord Eldon, Lord Lyndhurst, Lord Brougham, and Lord Cottenham.

The author had taken notes in the House of Lords from 1811 onwards, but their publication was anticipated by Dow's reports (Bligh's prefaces). The earlier series of Bligh ends in 1821 with an uncompleted volume containing one case only, and the new series begins in 1827. No regular reports in the House are found in the interval 1821 to 1823, but as to this period see Sugden's *Law of Property*, p. 12, *infra*. From 1827 to 1831 Dow and Clark, and from 1831 to 1837 Clark and Finnelly run concurrently with Bligh New Series. From 1831 (5 Bligh (N. S.)) Bligh was the authorized reporter of the House ; volume 5 of the new series and the subsequent volumes were reported under an arrangement between the Parliament Office Committee and the reporter, by which the cost of paper and printing was defrayed out of the Fee Fund, copies of the reports were supplied *gratis* for the public service, and the reporter was remunerated by the proceeds of copies sold.

The earlier series of Bligh includes Scotch appeals ; the new series consists mainly of English and Irish appeals, Scotch appeals being shortly reported in the appendix to each volume.

The tables of cases prefixed to the volumes are not always accurate. Pages 581—619 of volume 4, New Series, contain General Rules of Court having no connection with the reported cases. Owing to the death of the author, volume 11 breaks off in the middle of the opinions of the judges in *Garland v. Carlisle*. The rest of the case will be found in 4 Clark & Finnelly, at p. 760.

In *Swire v. Redman* (1876), 1 Q. B. D., at p. 543, Cockburn, C.J.,

refers to the case of *Oakley v. Paskeller* (10 Bligh, N. S. 548) as being "very imperfectly reported." In the case of *M'Neill v. Cahill* (2 Bligh, 228), the head-note goes beyond the decision as reported (*Hosking v. Terry* (1862), 15 Moore, P. C., at p. 504).

General character of Bligh's reports, good.

*Reporter :—*

RICHARD BLIGH. Born 1780; died 1839. Son of John Bligh of Abingdon Street, Westminster. Barrister Inner Temple 1807; equity draftsman; joint reporter with Basil Montagu of Bankruptcy cases, 1832-1833.

*Judges reported :—*

Lord Eldon (John Scott); see Appendix, p. 95.

Lord Lyndhurst (John Singleton Copley); see Appendix, p. 83.

Lord Brougham (Henry Peter Brougham); see Appendix, p. 80.

Lord Cottenham (Charles Christopher Pepys); see Appendix, p. 92.

Lord Redesdale (John Freeman-Mitford); see Appendix, p. 85.

Lord Mannors (Thomas Mannors-Sutton); see Appendix, p. 91.

Lord Plunket (William Conyngham Plunket); see Appendix, p. 93.

Lord Devon (William Courtenay); see Appendix, p. 84.

Opinions of the following common law Judges who will be referred to in Part II of this work, are also reported :—

Lord Tenterden (Charles Abbott), Lord Chief Justice of England;

Lord Denman (Thomas Denman), Lord Chief Justice of England;

Lord Wynford (William Draper Best), Chief Justice of the Common Pleas.

**SUGDEN'S LAW OF PROPERTY—Period, 1814-1848.**

A Treatise of the Law of Property as administered by the House of Lords. By SIR EDWARD SUGDEN.

1 volume octavo, 1849.

This work, though not ordinarily included amongst reports, may fairly claim the title. Citing altogether some 650 cases decided in the House of Lords, in many of which the author was engaged as counsel, the book is especially valuable as containing English and Irish appeals from 1821 to 1826, a period not covered by any other reporter in the House, and, to some extent, filling the gap between Bligh and Bligh (N. S.) (see the author's "Advertisement," and pp. 41-42 of the text). Some of the author's notes give from his own knowledge additional information about cases reported elsewhere. The volume contains separate tables of House of Lords cases cited and also a full index of contents. Cases not reported elsewhere are cited thus : e.g. "Printed Cases D. P. 1825."

Lord Campbell writes of this work in 1849 : "The law lords are very much amused by a book which Sugden has just published, abusing all the decisions of the House of Lords for the last twenty years. I come in for a share of his satire, but in good company." (Mrs. Harcourt's *Life of Lord Campbell*, ii., 251.)

*Reporter :—*

Sir Edward Burtenshaw Sugden (Lord St. Leonards); see Appendix, p. 97.

**DOW AND CLARK (Dow & Cl.)—Period, 1827—1881.**

Reports of Cases upon Appeals and Writs of Error in the House of Lords. By PARTICK DOW and CHARLES CLARK. 2 volumes, octavo, 1880—1892.

Reprinted in 6 English Reports. See also 35 Revised Reports.

It would appear from the title page that volume 1 is by Dow alone, and both volumes are sometimes cited as "Dow N. S.," though better known as "Dow & Clark." The period of eight years between Dow and Dow and Clark, is covered by Bligh and Sugden's Law of Property. Dow and Clark are contemporary, as far as they extend, with Bligh (N. S.) and with the Chancellorships of Lord Lyndhurst and Lord Brougham, many judgments of Lord Eldon being included. These Reports belong to the regular series of House of Lords Reports, beginning with Dow and ending with House of Lords Cases, though the reporters of this series did not become the authorized reporters of the House until 1845 (see Clark & Finnelly, *infra*). Some Scotch cases are included.

The general character of these reports is good.

*Reporters :—*

PATRICK DOW; see "Dow," p. 10, *supra*.

CHARLES CLARK. Barrister Middle Temple 1830; bencher 1872; Q.C. 1874; authorized reporter to the House of Lords; joint author of *Clark & Finnelly's Reports* and *House of Lords Cases*; reporter of English and Irish appeals for the Law Reports from 1866; Secretary to the Channel Islands Criminal Law Commission in 1846. Died 1881.

*Judges reported :—*

Lord Eldon (John Scott); see Appendix, p. 95.

Lord Lyndhurst (John Singleton Copley); see Appendix, p. 83.

Lord Brougham (Henry Peter Brougham); see Appendix, p. 80.

Lord Redesdale (John Freeman-Mitford); see Appendix, p. 85.

Lord Manners (Thomas Manners-Sutton); see Appendix, p. 91.

Lord Plunket (William Conyngham Plunket); see Appendix, p. 93.

Lord Lauderdale (James Maitland); see Appendix, p. 90.

Opinions of the following common law judges, who will be referred to in Part II of this work, are also reported :—

Lord Tenterden (Charles Abbott), Chief Justice of England.

Lord Wynford (William Draper Best), Chief Justice of the Common Pleas.

**CLARK AND FINNELLY (Cl. & Fin.)—Period, 1881—1846.**

Reports of Cases heard and decided in the House of Lords on Appeals and Writs of Error and Claims of Peerage.

By CHARLES CLARK and WILLIAM FINNELLY.



12 volumes, octavo, 1885—1847.

Reprinted in 6—8 English Reports. See also 36—69 Revised Reports.

The period of Clark & Finnelly is covered by the Chancellorships of Lord Brougham, Lord Lyndhurst, and Lord Cottenham. Bligh (N. S.) is a contemporary reporter from 1831 to 1837, and West from 1839 to 1841. Scotch appeals are included. The cases in Clark & Finnelly are more fully reported than in Dow & Clark, whom they succeed in the House of Lords series. The authors were the successors of West (see next page) as authorized reporters in the House, their official position being indicated in the title pages of volumes 11 and 12. Volume 12 contains a table of cases in the twelve volumes. In volume 2 the report of Lord Brougham's opinion in the case of *Birtwhistle v. Vardill* is corrected in numerous particulars by a note at p. 600.

In *Swire v. Redman* (1876), 1 Q. B. D., at p. 543, Cockburn, C.J. refers to the case of *Oakley v. Pasheller* (4 Cl. & Fin. 207) as being "very imperfectly reported." Notwithstanding, the general character of these reports is *excellent*.

*Reporters :—*

CHARLES CLARK; see Dow & Clark, p. 13, *supra*.

WILLIAM FINNELLY. Born 1799; died 1851. Barrister Middle Temple 1827; equity draftsmen and conveyancer. Besides the above reports he edited with Charles Clark volumes 1 and 2 of *House of Lords Cases*.

*Judges reported :—*

Lord Eldon (John Scott); see Appendix, p. 95.

Lord Lyndhurst (John Singleton Copley); see Appendix, p. 83.

Lord Brougham (Henry Peter Brougham); see Appendix, p. 80.

Lord Cottenham (Charles Christopher Pepys); see Appendix, p. 92.

Lord Campbell (John Campbell); see Appendix, p. 82.

Lord Redesdale (John Freeman-Mitford); see Appendix, p. 85.

Lord Plunket (William Conyngham Plunket); see Appendix, p. 93.

Lord Langdale (Henry Bickersteth); see Appendix, p. 80.

Lord Devon (William Courtenay); see Appendix, p. 84.

Opinions of the following common law judges, who will be referred to in Part II of this work, are also reported :—

Lord Tenterden (Charles Abbott), Lord Chief Justice of England.

Lord Denman (Thomas Denman), Lord Chief Justice of England.

Lord Wynford (William Draper Best), Chief Justice of the Common Pleas.

Lord Abinger (James Scarlett), Chief Baron of the Exchequer.

**MACLEAN AND ROBINSON (MacL. & R.)—Period, 1839.**

Cases decided by the House of Lords on Appeals and Writs of Error. By CHARLES HOPE MACLEAN and GEORGE ROBINSON.

1 volume, octavo, 1840.

Reprinted in 9 English Reports.

These reports, published in London, and generally included in lists of English reports, contain thirty-five Scotch, two English, and two Irish appeals; the four latter, viz. *R. v. Johnson*, *Bignold v. Springfield*, *O'Connor v. Malone*, and *Sheehy v. Lord Muskery*, are also reported by Clark and Finnelly. At this period the number of appeals from Scotland was double that from England and Ireland together (see Appendix to Report of Parliament Office Committee, Lord's Journals, 1850, volume 82, p. 358).

The general character of these reports is good.

*Reporters :—*

CHARLES HOPE MACLEAN. Born 1803; died 1839. Barrister Middle Temple, 1829; equity draftsman and conveyancer. Besides the above, Maclean reported some of the cases (1832-1834) in Wilson & Shaw (House of Lords, Scotch); see the prefaces to volumes 6 and 7 of the latter reports. Maclean also reported Scotch appeals (1835-1838) in conjunction with Patrick Shaw, cited as "Shaw & Maclean." It appears from notes to volumes 1 and 2 of the last-mentioned reports that the Lord Chancellor and some other law lords had revised their speeches for the reports. Maclean was one of the Secretaries to the Statistical Society.

GEORGE ROBINSON. Barrister Middle Temple 1819; conveyancer and equity draftsman, Scotch Counsel. Besides the above, Robinson reported Scotch appeals 1840-1 (cited as 'Robinson'), by appointment of the House. He died in 1841.

*Judges reported :—*

Lord Brougham (Henry Peter Brougham); see Appendix, p. 80.

Lord Cottenham (Charles Christopher Pepys); see Appendix, p. 92.

Lord Wynford (William Draper Best), Chief Justice of the Common Pleas (see under Common Law Judges in Part II of this work).

**WEST—Period, 1839-1841.**

Cases heard and determined by the House of Lords on Appeals from the Courts of Equity and on Writs of Error in England and Ireland, and questions of Peerage. BY MARTIN JOHN WEST.

1 volume, octavo, 1842.

Reprinted in 9 English Reports. See also 51 Revised Reports.

The period of these reports is covered by the Chanceryship of Lord Cottenham. The contemporary reporters are Clark and Finnelly, who include all the cases reported by West. Bligh had been the authorized reporter of the House down to the time of his death in 1839. A new arrangement was then made by which separate reporters were appointed, West for English and Irish, and

Robinson for Scotch, appeals. Small salaries were paid to them, each printing his reports at his own expense and retaining the profits of publication.

The volume is entitled the first, but no others followed, the author being appointed Commissioner of Bankruptcy in the year of its publication.

The general character of the reports is good, but they are not often cited, the reports of Clark & Finnelly for the same period being preferred.

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*Reporter :—*

**MARTIN JOHN WEST.** Born 1786; died 1870. Barrister Lincoln's Inn 1812; Recorder of Lynn, 1823; Commissioner of Lunacy 1838; Commissioner of Bankruptcy, Leeds District, 1842; editor of Chancery reports (1736—1739) from the original manuscripts of Lord Hardwicke, 1827.

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*Judges reported :—*

Lord Lyndhurst (John Singleton Copley); see Appendix, p. 83.

Lord Brougham (Henry Peter Brougham); see Appendix, p. 80.

Lord Cottenham (Charles Christopher Pepys); see Appendix, p. 92.

Lord Devon (William Courtenay); see Appendix, p. 84.

Lord Wynford (William Draper Best), Chief Justice of the Common Pleas (see under Common Law Judges in Part II of this work).

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**HOUSE OF LORDS CASES (H.L.C.)—Period, 1847—1865.**

House of Lords Cases on Appeals and Writs of Error. Claims of Peerage and Divorces. By CHARLES CLARK and WILLIAM FINNELLY.

11 volumes, octavo, 1849—1866.

Reprinted in 9—11 English Reports. See also 73—181 Revised Reports.

These reports extend over the Chancellorships of Lord Cottenham, Lord Truro, Lord St. Leonards, Lord St. Cranworth, Lord Chelmsford, Lord Campbell and Lord Westbury. They are the latest of the series of which the earlier reports are Dow, Dow and Clark, and Clark and Finnelly, and bring the cases down to the commencement of the Law Reports, when Clark became reporter of English and Irish appeals for that publication. A supplemental volume of House of Lords cases (1868) contains a digested index to the whole series. The authors reported throughout "by appointment of the House of Lords," both being responsible for volumes 1 and 2, and Clark alone for the remaining volumes. Volumes 1 and 2 alone contain Divorce cases. The earlier volumes of House of Lords Cases include Scotch appeals.

The general character of these reports is excellent.

*Reporters :—*

CHARLES CLARK, see Dow & Clark, p. 13, *supra*.

WILLIAM FINNELLY, see Clark & Finnelly, p. 13, *supra*.

*Judges reported :—*

Lord Lyndhurst (John Singleton Copley) ; see Appendix, p. 83.

Lord Brougham (Henry Peter Brougham) ; see Appendix, p. 80.

Lord Cottenham (Charles Christopher Pepys) ; see Appendix, p. 92.

Lord Truro (Thomas Wilde) ; see Appendix, p. 100.

Lord St. Leonards (Edward Burtenshaw Sugden) ; see Appendix, p. 97.

Lord Cranworth (Robert Monsey Rolfe) ; see Appendix, p. 93.

Lord Chelmsford (Frederick Thesiger) ; see Appendix, p. 98.

Lord Campbell (John Campbell) ; see Appendix, p. 82.

Lord Westbury (Richard Bethell) ; see Appendix, p. 79.

Lord Langdale (Henry Bickersteth) ; see Appendix, p. 80.

Lord Devon (William Courtenay) ; see Appendix, p. 84.

Lord Redesdale (John Thomas Freeman-Mitford) ; see Appendix, p. 85.

Lord Kingsdown (Thomas Pemberton-Leigh) ; see Appendix, p. 91.

Lord Wensleydale (James Parke), Baron of the Exchequer (see under Common Law Judges in Part II of this work).

For other House of Lords Reports, see " Reports in all the Courts " in Part II of this work.

## PRIVY COUNCIL REPORTS.

### PRELIMINARY NOTE.

WITH the exception of a few scattered cases there are no Privy Council Reports before the nineteenth century. The wide extent of the jurisdiction accounts for the great variety of subject-matter to be found in these reports. Colonial and Indian appeals, alone, involve the administration of justice according to English, French, Roman-Dutch, Spanish, Parsee, Hindoo, and Mahomedan laws, and the English law, when applicable, is subject to modifications contained in Colonial Statutes. The jurisdiction also includes appeals in Ecclesiastical matters, appeals from the courts of the Channel Islands and the Isle of Man and from Prize Courts, and under s. 4 of the Copyright Act, 1911 (1 & 2 Geo. 5, c. 46), as to compulsory licences. The Judicial Committee of the Privy Council which practically exercises this extensive jurisdiction, also advises on matters referred to it by the Crown under 3 & 4 Will. IV. c. 41, s. 4.

By section 3 of the Act just referred to, the report of the Judicial Committee on appeals is to be stated in open court, but by an Order in Council of 1628 the separate opinions of the members of the Council are not to be disclosed, and this order is confirmed and made applicable to the Judicial Committee by an order of 1978. In practice, therefore, the report of the committee is stated at length in open court by one of its members and in case of difference of opinion, represents the views of the majority.

Acton, the first Privy Council reporter (1809—1811), reported a certain number of appeals from Colonial Courts, but his reports consist mostly of the decisions of the Commissioners in Prize causes exercising the jurisdiction afterwards transferred to the Privy Council.

The first regular reporter in the Privy Council is Knapp (1829—1836), and he is succeeded by Moore, whose reports were continued to the year 1873 and ultimately merged in the Law Reports.

Reporters are not officially appointed by the Judicial Committee, but the appointment of a reporter by the Council of Law Reporting in 1874 received the written approval of the Committee.

The building in Whitehall in which the Privy Council sit to hear appeals was from the seventeenth century commonly referred to as the Cockpit, from its occupying the site of the arena for that sport constructed by Henry VIII. The site of the Cockpit is now occupied by part of the Treasury buildings in Whitehall behind No. 10, Downing Street (a).

PRIVY COUNCIL REPORTS.

**ACTON (Act.)—Period, 1809—1811.**

Reports of cases argued and determined before the most Noble and Right Honourable the Lords Commissioners of Appeals in Prize causes, also on appeal to the King's Most Excellent Majesty in Council. By THOMAS HARMAN ACTON.

1 volume and part of a 2nd volume (bound together), octavo, 1811—1812.

Reprinted in 12 English Reports.

Acton is usually included in lists of Privy Council reports, but is not often cited. His cases are not included in the Revised Reports.

In the first part of volume 1 are a few appeals from Colonial Courts to the Privy Council; the rest of the cases are appeals from the High Court of Admiralty and Vice-Admiralty Courts to the Commissioners of Appeal in Prize Causes, whose jurisdiction was transferred to the Privy Council in 1832. Most of the judgments were delivered by Sir William Grant, M.R. A table contains the names of the following judges of "the Court of the Lords Commissioners of Appeals in Prize and Colonial cases;" Earl Camden, Sir W. Grant, Sir W. Scott, Sir W. Wynne, Sir J. Nichol, "with others of their Lordships whose attendance is not uniform."

An appendix to volume 1 contains Orders in Council, etc., relating to Prize and Maritime Law from June 1809 to August 1810; in an appendix to volume 2 the Orders are continued to April 1812.

*Reporter :—*

THOMAS HARMAN ACTON. Barrister, Middle Temple. Appears in the Law List only from 1812 to 1815. The volume is dedicated by permission to the Marquis Wellesley, Secretary of State for Foreign Affairs.

(a) See article, "Lord Rosebery and Shakespeare," *Times*, May 8, 1911; and "Memoirs of Whitehall," *Globe*, same day.

*Judges Reported :—*

Sir William Grant ; see Appendix, p. 86.

Lord Stowell (William Scott), Judge of the Admiralty Court (for Biographical note, see Part II of this work).

**KNAPP (Kn.).—Period, 1829—1836.**

Reports of cases argued and determined before the Committees of His Majesty's Most Honourable Privy Council. Appointed to hear appeals and petitions. By JEROME WILLIAM KNAPP.

3 volumes 1831—1837 (?).

Reprinted in 12 English Reports. See also 38, 40 Revised Reports.

Knapp is the first regular reporter in the Privy Council, and from him the reports have been continued uninterruptedly to the present time. The cases reported by him comprise appeals from the High Court of Admiralty, the Arches Court, and the Prerogative Court of Canterbury, from Indian and Colonial Courts, from the Channel Islands and the Isle of Man, from the Lord Chancellor in Lunacy, and from certain Statutory Commissioners ; also cases upon memorials referred by the Crown to committees of the Privy Council. Volumes 2 and 3 include, as indicated by the title pages, appeals heard by the Judicial Committee constituted in 1833 by the Act 3 & 4 Will. IV. c. 41. That Act, with notes as to the earlier practice of the Privy Council, is included in the appendix to volume 2. To the same volume is prefixed a list of the first members of the Judicial Committee. The appendixes to the volumes also contain Orders in Council and General Rules. In a note prefixed to volume 3 it is stated that in consequence of the death of Mr. Knapp the volume, from p. 256, has been completed by Mr. Edmund F. Moore (see Moore's Privy Council Cases, *infra*).

"Mr. Knapp persevered with the publication of his reports, which were so completed as to merit and obtain great credit with the profession. Sir John Leach at first would not allow them to be cited, and subsequently, when they were read by counsel, he expressed in open Court his objection, not because they were in any respect inaccurate, but because the decisions containing expositions of foreign law, with which the Court was unacquainted, could never be deemed of sufficient authority to justify their publication (*Observations on the Supreme Appellate Jurisdiction*, by William Burge, Q.C., 1841, p. 23).

As to a decision of the Judicial Committee having no binding effect in the Supreme Court, see *Leask v. Scott* (1877), 2 Q. B. D. at p. 380, C. A. ; *Dulieu v. White*, [1901] 2 K. B. at p. 677. And see *The Alina* (1880), 5 Exch. Div. 227.

Note, that the case of *Swift v. Swift* in the Arches Court, reported 3 Knapp, 308, in the original hearing of the appeal *Swift v. Kelly* reported at p. 257 of the same volume. The

decision of the Arches Court was reversed on appeal. This is not made clear by the note at p. 808.

General character of Knapp's reports, *good*.

*Reporter :—*

JEROME WILLIAM KNAPP. Born 1803; died 1836. Barrister Middle Temple 1826; equity draftsman; Home Circuit; Kent Sessions; joint reporter of Election Cases, viz. Perry & Knapp, 1833, and Knapp & Ombler, 1834-5.

*Judges reported :—*

Lord Brougham (Henry Peter Brougham); see Appendix, p. 80.  
Sir William Grant; see Appendix, p. 86.  
Lord Gifford (Robert Gifford); see Appendix, p. 86.  
Sir John Leach; see Appendix, p. 90.  
Sir Lancelot Shadwell; see Appendix, p. 96.

Judgments of the following Common Law and other Judges, who will be referred to in Part II of this work, are also reported :

Lord Tenterden (Charles Abbott), Chief Justice of England.  
Lord Wynford (William Draper Best), Chief Justice of the Common Pleas.

Lord Stowell (William Scott), Judge of the Admiralty Court.  
Sir Herbert Jenner-Fry, Dean of Arches.  
Hon. Thomas Erskine, Justice of the Common Pleas.  
Sir John Bernard Bosanquet, Justice of the Common Pleas.  
Lord Wensleydale (James Parke), Baron of the Exchequer.

**MOORE'S PRIVY COUNCIL CASES (Moo. P.C.C.)—Period, 1836—1862.**

Reports of cases heard and determined by the Judicial Committee and the Lords of His Majesty's Most Honourable Privy Council. By EDMUND FITZ MOORE.

15 volumes, octavo (dates of publication not given).

Reprinted in 12—15 English Reports. See also 43 *et seq.* Revised Reports.

**MOORE'S PRIVY COUNCIL CASES, NEW SERIES (Moo. P.C.C. (N.S.))—Period, 1862—1873.**

Reports of cases heard and determined by the Judicial Committee and the Lords of Her Majesty's Most Honourable Privy Council. By EDMUND FITZ MOORE.

9 volumes, octavo (dates of publication not given).

Reprinted in 15—17 English Reports. See also Revised Reports.



These reports are in continuation of Knapp (see above), Moore having reported some of the cases in volume 3 of Knapp Appeals from the Supreme Courts in India are inserted both in this series and in Moore's Indian Appeals (see below), but appeals from the Sudder Dewanny or Native Courts only in the latter. A list of the members of the Judicial Committee is prefixed to each volume and Orders in Council regulating the practice are inserted in an appendix, an index to which follows the table of cases. Part of the appendix is sometimes found in the middle of a volume, following the Part with which it was issued.

Moore's New Series is a continuation of the older series, the numbers of the volumes beginning afresh.

From the commencement of the Law Reports in 1865 Moore reported the Privy Council cases both for that and his own publication. From 3 Moore, N. S., p. 347, to the end of volume 9 (December, 1865—March 1873) the cases are identical with those included in 1—4 Law Reports Privy Council.

The general character of these reports is good.

*Reporter :—*

EDMUND FITZ MOORE. Born 1801; died 1873. Barrister Middle Temple 1827; Q.C. 1868; authorized reporter in the Judicial Committee; author of Privy Council Reports on appeal from Supreme and Sudder Dewanny Courts in India (1836—1872), special reports of the Gorham case, 1852, and *Westerton v. Liddell*, 1857, Privy Council Appeals in the Law Reports from 1866.

*Judges reported :—*

Lord Lyndhurst (John Singleton Copley); see Appendix, p. 83.  
 Lord Brougham (Henry Peter Brougham); see Appendix, p. 80.  
 Lord Cranworth (Robert Monsey Rolfe); see Appendix, p. 93.  
 Lord Chelmsford (Frederick Thesiger); see Appendix, p. 98.  
 Lord Campbell (John Campbell); see Appendix, p. 82.  
 Lord Westbury (Richard Bethell); see Appendix, p. 79.  
 Lord Cairns (Hugh McCalmont Cairns); see Appendix, p. 81.  
 Lord Hatherley (William Page Wood); see Appendix, p. 101.  
 Dr. William Thomson (Archbishop of York); see Appendix, p. 98.  
 Sir John Leach; see Appendix, p. 90.  
 Lord Langdale (Henry Bickersteth); see Appendix, p. 80.  
 Lord Romilly (John Romilly); see Appendix, p. 95.  
 Sir James Lewis Knight-Bruce; see Appendix, p. 89.  
 Sir George James Turner; see Appendix, p. 90.  
 Sir Lancelot Shadwell; see Appendix, p. 96.  
 Sir Richard Torin Kindersley; see Appendix, p. 88.  
 Lord Kingsdown (Thomas Pemberton-Leigh); see Appendix, p. 91.  
 \* Lord Selborne (Roundell Palmer).  
 \* Sir Joseph Napier.  
 \* Sir Charles Jasper Selwyn.  
 \* Sir George Markham Giffard.  
 \* Sir George Mellish.

- \* Sir William Milbourne James.
- \* Sir William James Colville.
- \* Sir Barnes Peacock.

[Those marked \* became members of the Committee after 1865.]

Judgments of the following Common Law and other Judges who will be referred to in Part II of this work, are also reported.

Sir Alexander Cockburn, Bart., Chief Justice of England.

Lord Wynford (William Draper Best), Chief Justice of the Common Pleas.

Sir John Jervis, Chief Justice of the Common Pleas.

Sir William Erle, Chief Justice of the Common Pleas.

Sir Jonathan Frederick Pollock, Bart., Chief Baron of the Exchequer.

Sir Fitzroy Kelly, Chief Baron of the Exchequer.

Sir John Patteson, Justice of the King's Bench.

Sir John Taylor Coleridge, Justice of the King's Bench.

Hon. Thomas Erskine, Justice of the Common Pleas.

Sir John Bernard Bosanquet, Justice of the Common Pleas.

Sir William Henry Maule, Justice of the Common Pleas.

Sir Edward Vaughan Williams, Justice of the Common Pleas.

Lord Monkswell (Robert Porrett Collier), previously Justice of the Common Pleas.

Sir Montagu Edward Smith, Justice of the Common Pleas.

Lord Wensleydale (James Parke), Baron of the Exchequer.

Sir John Nicholl, Judge of the Admiralty Court.

Sir Robert Joseph Phillimore, Bart., Judge of the Admiralty Court.

Sir Herbert Jenner-Fust, Dean of Arches.

Rt. Hon. Stephen Lushington, Dean of Arches.

Sir Cresswell Cresswell, Judge of the Probate and Divorce Court.

Lord Penzance (James Plaisted Wilde), Judge of the Probate and Divorce Court.

#### MOORE'S INDIAN APPEALS (*Moo. Ind. App.*)—*Period, 1836—1872.*

Reports of cases heard and determined by the Judicial Committee and the Lords of His Majesty's Most Honourable Privy Council on appeal from the Supreme and Sudder Dewanny Courts in the East Indies. By EDMUND FITZ MOORE.

14 volumes, octavo (dates of publication not given).

Reprinted in 18--20 English Reports.

Consequent upon the establishment of the High Courts under the Indian High Courts Act, 1861, the title page, from volume 11 onwards, reads: "on appeal from the Sudder Dewanny Adawlut and High Courts of Judicature in the East Indies."

Appeals from the Supreme Courts and High Courts of Judicature in India are inserted both in Moore's Indian Appeals and in his

**Privy Council Cases.** Some of the cases in volume 10 of the Indian Appeals are also contained in Law Reports, 1 Privy Council.

Moore's Indian Appeals end in March, 1872, and the Law Reports Indian Appeals begin in November, 1872. The gap is filled by a supplementary volume of cases reported by Mr. Herbert Cowell and published by the Council of Law Reporting in 1880.

The general character of Moore's Indian Appeals is good.

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*Reporter :—*

EDMUND FITZ MOORE. See Moore's Privy Council Cases, p. 21, *supra*.

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*Judges reported :—*

These are the same as in Moore's Privy Council Cases, old and new series (p. 21, *supra*), with some exceptions. The following members of the Judicial Committee who delivered judgments appear in the Privy Council Cases and not in the Indian Appeals : Lord Lyndhurst, Lord Hatherley, Lord Selborne, Archbishop Thomson, Sir Alexander Cockburn, Sir John Leach, Sir Wm. Erle, Sir Jonathan Frederick Pollock, Sir Fitzroy Kelly, Sir Cresswell Cresswell, Sir John Nicholl, Sir Herbert Jenner-Fust, Lord Penzance and Sir Barnes Peacock. The following members, as reported by Moore, delivered judgments on Indian Appeals only :

Lord Denman (Thomas Denman); for biographical note, see under Common Law Judges in Part II of this work.

Sir Edward Ryan; see Appendix, p. 95.

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For other Privy Council Reports, see " Reports in all the Courts " in Part II of this work.

## CHANCERY REPORTS.

### PRELIMINARY NOTE.

In 1741 the author of *Cases temp. Talbot* writes in his preface : " There are but few books of reports of cases in Chancery, inso-much that before the publication of Mr. Vernon's (1728—1729), a gentleman must have attended that bar many years before he could with justice to his client venture to give advice in equity matters of difficulty." The absence of any early Chancery reports, properly so called, is accounted for by the fact that Lord Nottingham (1673—1682) was the first Chancellor to lay down fixed principles of equity (a). Except by *Peere Williams*, such Chancery cases as there are down to the time of Lord Hardwicke (1737—1756) are mostly ill reported. *Cary*, the earliest Chancery reporter (1557—1604), contains only short notes of cases, but some of them are of interest as recording the decisions of Lord Ellesmere. *Dickens* (1559—1798), as he extends over the last quarter of the eighteenth century, is described below (p. 80). *Reports in Chancery* (1615—1712) contain in Part III well reported decisions of Lord Cowper ; the rest are meagre. *Cases in Chancery* (1660—1688) are only valuable for two cases, that of the Duke of Norfolk and that of the Earls of Bath and Montague. *Freeman* (1660—1706) contains Chancery cases in volume 2, which was edited by Hovenden in 1823. *Modern Reports*, 5th edition by Leach (1669—1755) fully described by Wallace (*Reporters*, 347), comprise common law and equity cases, and volume 9 (1712—1755) which has been defended by Wallace from undeserved criticism, exclusively equity. *Equity Cases Abridged* (1667—1744) are not more than a digest, but are spoken of by Kent (*Commentaries*, i., 492) as of respectable authority. *Precedents in Chancery* (1689—1722) are referred to by Kent (i. 492) in the same terms. In 1725 were issued *Reports temp. Finch* (1673—1680), then the chief

(a) Even as late as the year 1818 Lord Eldon found it necessary to say that he could not agree that the doctrines of the Court were to be changed by every succeeding judge (*Gee v. Pritchard*, 2 Swanston, at p. 414).

source of information as to Lord Nottingham's decisions, and described by Lord Campbell as "miserably executed" (*Chancellors*, 3rd edition iii., 420). These deficiencies are to some extent made good by Swanston, who in his reports, published 1821—1827, gives in the Appendixes to volumes 2 and 3 some important cases from a manuscript volume of Lord Nottingham's judgments. *Vernon's Reports* (1681—1719) contain decisions of Lord Nottingham, Lord Somers, and Lord Cowper, but though the reporter was an eminent lawyer, his manuscript, which was edited after his death, proved very deficient in accuracy. However, improved editions with notes and amendments by Raithby, published in 1806—7 and 1828, rendered *Vernon* a more valuable work. *Peere Williams* (1695—1736) has been described as "the first full and clear reporter of Chancery cases" (Wallace, *Reporters*, 499); his reports have always borne a high character, and their value is enhanced by the notes of Cox in the 4th and following editions. *Moseley* (1726—1730) was said by Lord Eldon to possess a very considerable degree of accuracy (1 Merivale, 92). *Cases temp. Talbot* (1734—1738) were said by Kent (*Commentaries*, i. 499) to be well reported, but have been rather severely criticized by Lord Campbell (*Chancellors*, 3rd edition, iv. 642). Lord Hardwicke's earlier reporters, *Atkyns*, *Vesey senior*, and *Ambler*, are not of the highest rank, but have all been improved by later editions, viz. *Atkyns*, by Saunders in 1794; *Vesey senior*, by Belt in 1818, and *Ambler* by Blunt in 1828. The period generally ascribed to Ambler's cases is 1737—1783, and as this includes a portion of the last quarter of the eighteenth century, an account of Ambler will be found below (p. 28). Of better repute are *West's Reports* of Lord Hardwicke's decisions, published in 1827 from original manuscripts, but only carried down to the year 1799. *Ridgeway's Hardwicke* contains Chancery decisions of that judge for the years 1744—5. *Eden's Reports*, published in 1818 (a 2nd edition with additions, in 1827), from original manuscripts of Lord Northington, extend from 1757—1766. These are the principal Chancery reports down to the commencement of Lord Thurlow's Chancellorship in 1778, from which date Chancery cases have been reported, except for occasional short gaps, continuously to the present time. Some too will be found scattered through the Common Law reports.

The modern reporters in the Court of Chancery down to the

commencement of the Law Reports in 1865 run in separate series, each of which for the most part embraces the decisions of a Lord Chancellor, Master of the Rolls, or Vice-Chancellor and his successor in office. The following classification has usually been adopted :

I. *Chancery (Lord Chancellor, etc.).*

This series includes the regular or authorized reports of decisions of the Lord Chancellor and Lords Commissioners ; those of the Master of the Rolls down to 1836, when Keen began a separate series of reports at the Rolls ; and those of the Vice-Chancellor of England down to 1815 when Maddock began his reports in the Vice-Chancellor's Court. It includes also appeals heard by the Lords Justices sitting with or apart from the Lord Chancellor from 1851—1865.

II. *Chancery (collateral).*

This series includes reports collateral with series I., not being regular or authorized reports, and also some decisions of the Vice-Chancellors after 1815.

III. *Rolls Court.*

This series includes cases at the Rolls, 1836—1865.

IV. *Vice-Chancellors of England.*

This series begins with the decisions of Sir Thomas Plumer in 1815, and is carried on to Sir Lancelot Shadwell, the last Vice-Chancellor of England, and the succeeding judges sitting in the same Court, ending with Vice-Chancellor Kindersley.

V. *Vice-Chancellors Knight-Bruce, Parker, and Stuart.*

This series begins with Sir James Lewis Knight-Bruce, one of the additional Vice-Chancellors appointed under the Act, 5 Vict. c. 5, and includes his successors, Sir James Parker, and Sir John Stuart.

VI. *Vice-Chancellors Wigram, Turner, and Wood.*

This series begins with Sir James Wigram, one of the additional Vice-Chancellors appointed under the Act 5 Vict. c. 5, and includes his successors Sir George James Turner, and Sir William Page Wood.

VII. *Vice-Chancellors (collateral reports).*

## I.—CHANCERY (LORD CHANCELLOR, &c.).

**AMBLER (Amb.)**—*Period, 1787—1789.*

Reports of Cases argued and determined in the High Court of Chancery with some few in other Courts. By CHARLES AMBLER.

1 volume, folio (London), octavo (Dublin), 1790.

2nd edition, with corrections from the Registrar's books, references to subsequent cases, a new index, and a list of cases cited or referred to in the text. By JOHN ELIJAH BLUNT. 2 parts, paged continuously, octavo, 1828.

Reprinted in 27 English Reports.

The main object of this publication was to bridge over the chasm in Chancery reports between the time of Lord Hardwicke and that of Lord Thurlow, that is to say, between Atkyns and Vesey, *senr.*, on the one side and Brown's Chancery Cases on the other. Though no decisions of Lord Thurlow are reported, the collection extends over a small part of his chancellorship.

The cases, which include Chancery, Lunacy, Bankruptcy, Common Law, and Privy Council, but principally Chancery, are not in strict chronological order. The preface to the first edition states that not more than twelve or fourteen of them are from the author's own notes. The decisions comprise those of Lord Hardwicke, Lord Northington, Lord Camden and Lord Bathurst as Chancellors and Sir J. Jekyll, Hon. J. Verney, Sir J. Strange, Sir T. Clarke and Sir T. Sewell as Masters of the Rolls. Ambler's Reports are contemporary in part with Dickens, West temp. Hardwicke, Atkyns, Barnardiston, Ridgway temp. Hardwicke, Cox, Vesey, *senr.*, Eden, and Brown, C.C.

"Although the majority of cases are of acknowledged importance, it has been frequent subject of complaint that many of them are imperfectly reported" (*Pref. to 2nd ed.*).

"These reports do not bear any marks of superior accuracy over those of the same period already in the hands of the profession, the cases being in general very briefly stated. The arguments commonly on one side only, and the decree is usually reported in a manner apparently intended to assist the author's recollection, rather than to record for public use a satisfactory account of the principles of the respective determinations. Neither does it appear, that in giving these cases to the public any share of that attention has been bestowed which has been generally considered as necessary, by

former reporters, in pointing out the authorities on which many of the arguments and determinations herein reported are founded, "hether extant in the present volume, or in any other of those which are received as authority in the Court of Chancery; not even in those cases where the decree has been appealed from, and either affirmed or reversed in the House of Lords: this omission is the more material, as in those instances it will in general be found that such cases have been previously reported in a more accurate and ample method than in the present collection" (*Collectanea Juridica* (1791), by Francis Hargrave, Vol. i., Register of law publications, p. [13]).

"His reports are well known to be an extremely careless and imperfect production. The facts of most of the cases are stated shortly and defectively; in many the dicta of the judges, in some even the points themselves, have been erroneously reported. The only notice which some of the most important cases in the book have received is a short memorandum of the points determined. The notes taken in the earlier part of his life evidently bear few marks of subsequent revision, and the frequent discovery of errors has given a reputation for inaccuracy to the publication" (Preface to Eden, 1818).

"Vesey, senr., Atkyns, Ambler, Dickens—"none of them are eminent reporters either for accuracy or precision in the statements of the cases or in giving the judgment of the Court" (Kent, *Commentaries* (1826), i. 494).

In the American case of *Hall v. Hall* (1827), 2 McCord's Chancery Cases, 313, Colcock, J., referring to the case of *Ward v. Ward* (Ambler, 209), says: "I think it a case which supports the opinion of Lord Eldon that Ambler is no authority;" but gives no reference to the passage in which Lord Eldon's opinion is stated.

In *Clarke v. Parker* (1812), 19 Ves. p. 12, Lord Eldon speaks of Ambler as having "a very considerable knowledge of the decisions of his own time."

It will be borne in mind that the above strictures are applied to the 1st edition of Ambler.

Lord Campbell in speaking of Lord Camden says: "Not infrequently his chief reporter (Ambler), after a brief statement of the arguments of the defendant's counsel, thus deals with a judgment on which the judge had bestowed infinito labour and which was admired for its learning, precision, and lucid arrangement: 'and Lord Camden being of the same opinion, which he delivered at large, the bill was dismissed' (Ambler, 660)" (Campbell, *Chancellors*, 3rd ed., V., 263).

"These reports, as originally published by the author, were not what the profession had a right to expect from a lawyer of Mr. Ambler's experience and abilities. In the preface to his Reports he says: 'This work I am aware derives its only pretensions to merit from being an accurate relation of facts and opinions of great men presiding in Courts of Justice.' The accuracy on which the reporter prides himself has not been granted to him by the profession. . . . Mr. Blunt has corrected the errors of Ambler and thus has very much added to the reputation and authority of the work" (Marvin, *Legal Bibliography* (1847), 58).

Ambler's reports "never enjoyed, in the form in which they were first published, a high reputation. The facts of most of the cases are stated shortly and defectively—one of the worst defects that reports, and especially Chancery reports, can have. In many instances the language of the judges was so erroneously reported that false ideas were given, even of the points decided. Ambler became, by a new and much improved edition, given to the profession in 1828 by Mr. Blunt, a more valuable reporter than he had been" (Wallace, *Reporters*, 513, 514).

For references to Ambler's errors in individual cases, see *Stuart v. Marquis of Bute* (1806), 11 Ves., p. 662; *Chapman v. Hart*



(1740), 1 Ves. sen. (ed. by Belt, 1818), p. 273; *Pride v. Fooks* (1858), 3 De G. & J., pp. 275, 277.

*Reporters :—*

CHARLES AMBLER. Died 1794. Barrister Lincoln's Inn 1742; Treasurer 1762, K.C., Attorney-General to the Queen.

JOHN ELIJAH BLUNT. Born 1797; died 1856. Editor of the 2nd edition of Ambler. Barrister Lincoln's Inn 1822; Commissioner in Lunacy 1833-1842; Master in Chancery 1849-1856.

*Judges reported (a) :—*

Lord Loughborough (Alexander Wedderburn), as Lord Commissioner; see Appendix, p. 99.

Sir Thomas Sewell, M.R.; see Appendix, p. 96.

Ashurst, J. and Hotham, B., as Lords Commissioners; see under Common Law Judges in Part II of this work.

**DICKENS (Dick.)—Period, 1559—1792.**

Reports of cases argued and determined in the High Court of Chancery. Collected by JOHN DICKENS; revised by JOHN WYATT.

2 volumes (paged continually), octavo, 1803.

Reprinted in 21 English Reports.

These reports were prepared for publication by Wyatt from the manuscript notes of Dickens after his death. With the exception of the first 17 pages, the cases are all of the eighteenth century and comprise many decisions of Lord Hardwicke and Lord Thurlow. Volume 2 contains several statements by Dickens, who was senior acting Registrar of the Court, on points of practice on which the Court had asked him to report, and some of the cases are of historical value on points of present-day practice (see in the index to Dickens, title "Practice"). The cases really end with the resignation of Lord Thurlow in 1792, though one or two of later date are added. Volume 1 contains memoranda of forms observed at particular ceremonies, e.g. when the Prince of Wales, afterwards George II., took the oaths, also a list of Lord Chancellors, etc., from Sir Thomas More to Lord Eldon.

"Mr. Dickens was a very attentive and diligent Register, but his notes, being rather loose, were not considered as of very high authority; he was constantly applied to to know if he had anything on such and such subjects; but if he had the Register's books were always referred to" (*per* Lord Redesdale, L.C. of Ireland, *Smith v. Hibernian Mine Co.* (1803), 1 Schoales & Lefroy, p. 240).

"The decision being of great importance and the accuracy of the book (Dickens) in which it is reported being very questionable" (Sugden, *Vendors and Purchasers*, 2nd ed. (1806), p. 139).

(a) The other Judges whose decisions are contained in Ambler are omitted as being before 1776, and therefore outside the scope of this collection.

"From the author's official situation as Register of the Court of Chancery for many years, great expectations were formed by the profession from the proposed publication of his reports *sed parturiunt montes, etc.*" (Bridgman, *Legal Bibliography* (1807), 96).

"Mr. Dickens, who from his long experience in this Court, had a great knowledge of the practice" (*per* Lord Eldon, C., *Norway v. Rowe* (1812), 19 Vesey, p. 153).

"Lord Hardwicke's decisions are reported in the elder Vesey and Atkyns and partly in Ambler and Dickens, and though none of them are eminent reporters either for accuracy or precision in the statements of the cases or in giving the judgment of the Court, yet the value of his opinions and the great extent of his learning and the solidity of his judgments have been sufficiently perceived and understood" (Kent, *Commentaries* (1826), i., 404).

The case of *Evelyn v. Evelyn* (2 Dickens, 800), is reported in six words: "Receiver appointed of an undivided estate," and is thus disposed of by Sir John Leach, V.C., in a later case: "*Evelyn v. Evelyn* is but a word and does not explain the nature of the estate" (*Tyson v. Fairclough* (1824), 2 Simons & Stuart, p. 144).

"Much may no doubt be said against the accuracy of many of the reports in Dickens; but there are many of them in which he himself interfered and made suggestions to the Court. And I have always considered these cases of higher authority than the rest because you have there an opportunity of seeing what was suggested by a very experienced officer and what the Court did in consequence (*per* Lord Cottenham, C., *Fisher v. Fisher* (1847), 2 Phillips, p. 240).

"There are a few decisions of Lord Nottingham's of little value to be found in . . . Dickens" (Campbell, *Chancellors*, 3rd ed., iii., 420). After referring to Ambler, "Dickens is generally more provokingly deficient" (*ib. v.*, 263). "Thurlow is handed down to us as a judge by Brown, Vesey, junr., and Dickens. It may be partly their fault but he certainly appears in their reports to little advantage" (*ib. v.*, 529).

"The accuracy of Dickens's reports is not to be relied on, and this case (*Baily v. Ekins*, 2 Dickens, 632) is a remarkable instance of their inaccuracy" (*per* Stuart, V.C., *Holland v. Holland* (1869), 20 Law Times, N. S., p. 59).

For censure of individual cases reported by Dickens, see *Adair v. Shaw* (1803), 1 Schoales & Lefroy at p. 259; *Boehm v. Wood* (1823), Turner & Russell 338; *Neale v. Duke of Marlborough* (1838), 3 Mylne & Craig, pp. 419-21; *Boyd v. Brooks* (1864), 34 Beavan, p. 9.

#### Reporters :—

JOHN DICKENS. Born 1722; died 1800. Entered the Chancery Registrar's Office as a clerk in 1736; appointed Deputy Registrar in 1756 and was senior Deputy Registrar at the time of his death in 1800. The office of Registrar or Register of the Court of Chancery until 1805 was a sinecure, the duties being performed by deputy Registrars (see 45 Geo. III. c. 75).

JOHN WYATT, editor of Dickens's reports. Born 1764; died 1856. Barrister Inner Temple 1790; bencher 1825; Attorney-General for North Wales 1819. Editor of "The Practical Register," 1800.

#### Judges reported (a) :—

Lord Thurlow (Edward Thurlow); see Appendix, p. 98.

Sir Thomas Sewell, M.R.; see Appendix, p. 96.

(a) Commencing with Lord Thurlow, the earlier judges being outside the scope of this collection.

**BROWN'S CHANCERY CASES (Bro. Ch.)—Period, 1778—1794.**

Reports of cases argued and determined in the High Court of Chancery. By WILLIAM BROWN.

1st edition, 4 volumes, folio, 1785—1794.

A revised edition of volume 1 was issued with volume 2 in 1790. The whole work down to p. 480 of volume 4 was printed in the author's lifetime, and the remainder, except some trivial omissions, was left by him complete for publication (preface to volume 4).

2nd edition, 4 volumes, folio, 1790—1794; with alterations, additions, and an appendix.

This edition contains the revised issue of volume 1 referred to above, the remaining volumes being identical with those of the 1st edition.

3rd edition, 4 volumes, octavo, 1801; corrected, with an appendix of contemporary cases and additions of references to more modern determinations.

4th edition, by Robert Henley Eden; 4 volumes, octavo, 1819. Revised, notes of subsequent decisions and notes by Serjeant Hill added, and the Registrar's book, consulted where necessary.

Volume 4 of this edition contains a subject-index to the four volumes.

5th edition, by Robert Belt; 4 volumes, octavo, 1820, with corrections and additions from the Registrar's books, from the author's manuscript notes in his own copy intended for a further edition, and from other manuscript notes.

There were two issues of volume 1 of this edition, the earlier of which describes itself as the 4th edition and bears the date 1819. In dedicating this edition to John, Lord Redesdale, the editor refers to it as owing much of its value to his Lordship's notes. There is a separate subject-index to each volume.

The 5th edition is reprinted in 28, 29 English Reports.

Brown, the reporter of Lord Thurlow's decisions, may be described as one of the earliest of the regular reporters, Chancery reports extending from his time to the present in an almost unbroken line. When he began to issue his reports in 1785 no Chancery cases had appeared since those of Vesey, senior, which ended with the resignation of Lord Hardwicke in 1756, though this gap was subsequently filled to some extent (see p. 26, *supra*). Probably Brown is the earliest "authorized" reporter, for it appears from his preface that not only was he under obligation to Sir Lloyd Kenyon, M.R., for introducing the manuscript of his 1st volume to the notice of Lord Thurlow, but also to

Lord Loughborough for reading a considerable part of the work and to Mr. Justice Ashurst for his notes of cases argued before the Lords Commissioners.

Brown's cases are contemporary in part with Dickens, Cox's Chancery Cases, and Vesey, junior. C. P. Cooper gives the names of all the counsel, 106 in number, mentioned by Brown as being engaged in the cases reported by him (1 Cooper temp. Cottenham, xix, xx).

"Notwithstanding the real and supposed inaccuracies of Mr. Brown's reports they form almost the only collection of Lord Thurlow's determinations, and many of the cases are well reported" (Advertisement to 5th edition by Belt).

"These volumes also contain many celebrated arguments of Lord Eldon while at the bar. They are more frequently cited by writers on equity jurisprudence, and in the discussion of equity cases, than any other equal number of volumes of equity cases extant. The decisions here found are of very great practical value. They first put into form and stamped the weight and impress of high authority upon many points of pleading and practice not before settled or not before promulgated in any certain or accessible shape. These decisions also led the way in establishing many points of general equity jurisprudence. . . . The labours of Mr. Belt and Mr. Eden in collecting manuscript notes of the decisions from eminent contemporary jurists and in making important corrections from the Registrar's books have almost entirely removed any inconvenience arising from the inaccuracies of Mr. Brown, while the notes of later decisions by those learned gentlemen have in other respects added greatly to the former high character of the work" (Preface to American edition, by Perkins, Boston, U.S.A., 1844).

"The cases reported by Mr. Brown are generally considered as too shortly taken; but that may be accounted for by the very brief and concise manner in which Lord Thurlow generally pronounced his decrees, seldom giving his reasons for his decisions" (Bridgman, *Legal Bibliography* (1807), 39; Cf. *Wight v. Ritchie*, 2 Dow, at p. 385; Campbell, *Chancellors*, 3rd ed. v., 640). Bridgman's statement is entitled to weight as being contemporary evidence, but judging by the light of the reports that have come down to us it seems to go too far. On his dismissal in May, 1792, Lord Thurlow does appear to have sent a batch of written decisions, without stating the reasons, to the Registrar's office (see 3 Brown Chancery Cases, note opposite p. 1).

"The next book of reports of deserved celebrity is Brown, commencing with Lord Thurlow's appointment to the office of Chancellor, and the high character of the Court at that period gave to those reports a very extensive authority and circulation for which they were indebted more to the reputation of the Chancellor than to any merit in the execution of the work" (Kent, *Commentaries* (1826), i., 494).

"*Hindman v. Taylor* is one of the cases in Brown upon which no reliance can be placed with regard to the statement" (per Shadwell, V.C., *Robertson v. Lubbock* (1831), 4 Simons, p. 173).

"The value of Brown's reports it may be noticed is greatly augmented by the corrections and additions made thereto by Mr. Belt and Mr. Eden in their editions of the work" (Ram, *Science of Legal Judgment* (1834), 101, n.).

"Most of the cases in the notes to Brown are inaccurately reported" (Sugden on Powers, 6th ed. (1836), ii., 280, n.).

Wallace thinks this remark must refer to Brown's own notes and not to those of Eden or Belt (*Reporters*, 526); and this view is confirmed by the fact that the same remark appears in the 1st edition of Sugden's work, published long before Eden's or Belt's editions

of Brown appeared. See *Sugden on Powers*, 1st edition (1808), p. 418.

"Thurlow is handed down to us as a Judge by Brown, Vesey, junr., and Dickens. It may be partly their fault, but he certainly appears in their reports to little advantage" (Campbell, *Chancellors*, 3rd ed., v., 529).

"From the singular inaccuracy of Mr. Brown as a reporter and his slovenly manner of muddling over cases." . . . "When quarrelling on the bench with one of the judgments of his predecessor, Lord Eldon said, 'that he should have no reason to complain if he had urged the case in the Court in the shameful way he is represented, or rather misrepresented, to have done, by Mr. Brown, in total ignorance of his meaning. The printed report gave no idea even of the scope of his observations'" (Townsend, *Lives of Twelve Judges* (1846), ii., 381). Townsend gives no reference to the report of the case before Lord Eldon.

"A book, not of first-rate authority, but the only authority for most of its period" (1 Revised Reports, vii.).

For particular instances of error in Brown's Chancery Cases, see *Zouch v. Lambert* (1793), 4 Brown C. C. (Belt's ed.) 326; *Adair v. Shaw* (1803), 1 Schoales and Lefroy, p. 259; *Irving v. Thompson* (1839), 9 Simons, p. 24; *Carver v. Richards* (1860), 5 Jurist N. S., p. 1415; *Re Parker* (1880), 49 Law Journal Ch., p. 588; (1881), 50 Law Journal Ch., p. 639, C. A.

#### Reporters :—

WILLIAM BROWN. Died 1794. Barrister Inner Temple 1765; Deputy County Clerk of Middlesex.

ROBERT HENLEY EDEN (Baron Henley), editor of the 4th edition of Brown's Chancery Cases. Born 1789; died 1841. Barrister Lincoln's Inn 1814; Master in Chancery 1826—1840; author of Eden's Reports and other law books.

ROBERT BELT, editor of 5th edition of Brown's Chancery Cases. Died 1840. Barrister Inner Temple 1802; Commissioner of Bankruptcy.

GEORGE HILL, Serjeant-at-law, whose notes are added in the 4th edition of Brown, was born in 1716 and died in 1808. In 1784, when he held a prominent place in the Court of Common Pleas and on the Midland Circuit, he is thus described by Sir Samuel Romilly :

"A lawyer of very profound and extensive learning but with a very small portion of judgment and without the faculty of making his great knowledge useful. . . . For modern law he had supreme contempt, and I have heard him observe that the greatest service that could be rendered the country would be to repeal all the statutes, and burn all the reports which were of a later date than the Revolution" (*Memoirs of Sir Samuel Romilly*, i. 72). Serjeant Hill's manuscripts are in Lincoln's Inn library.

#### Judges reported :—

Lord Thurlow (Edward Thurlow); see Appendix, p. 98.

Lord Loughborough (Alexander Wedderburn); see Appendix, p. 99.

Sir Thomas Sewell; see Appendix, p. 96.

Lord Kenyon (Lloyd Kenyon); see Appendix, p. 87.

Lord Alvanley (Richard Pepper Arden); see Appendix, p. 79.

Brown's reports also contain judgments of Sir James Eyre, Chief Baron of the Exchequer, Sir William Henry Ashurst, Justice of the King's Bench, Sir John Wilson, Justice of the Common Pleas and Sir Beaumont Hotham, Baron of the Exchequer, while acting as Lords Commissioners; and of Sir Francis Buller, Justice of the King's Bench who occasionally sat as Lord Thurlow's deputy in the Court of Chancery. Biographical particulars of these will be found under the Common Law Judges in Part II of this collection.

**COX (Cox Eq.)**—Period, 1744—1760 and 1788—1797.

Cases in the Court of Equity from 1788 to 1796, inclusive, with a few of an earlier date by Lords Hardwicke and Northington. By SAMUEL COMPTON COX.

2 volumes, octavo, 1816.

Reprinted in 29, 80 English Reports. See also 1, 2 Revised Reports.

The cases in Cox's notes to the 4th and 5th editions of Peere Williams' reports (1787 and 1793) were the foundation of Cox's Chancery reports. Thinking at first to enlarge the statements of the cases and include them in the form of reports in an appendix to a new edition of Peere Williams, the author subsequently determined to issue them with some few other cases as a separate work; hence the present volumes. The additional cases consist chiefly of decisions (1744 to 1760) of Lord Hardwicke and Lord Northington, cited in the principal cases together with bankruptcy cases unconnected with Peere Williams. The present work is supplemental to Brown's Chancery Cases and to the earlier volumes of Vesey, jun.

Cox's notes to Peere Williams were praised by Sir R. P. Arden, M.R.: "I cannot omit to observe the great obligations of the bench and the bar to Mr. Cox for his edition of Peere Williams, in the notes to which all the cases upon the subjects they treat of are to be found" (*Clinton v. Seymour* (1799), 4 Vesey, p. 462); and the same judge spoke to a similar effect in *Woods v. Huntingford* (1796), 3 Vesey, junr., p. 130, and in *Thelluson v. Woodford* (1799), 4 Vesey, p. 332. This opinion was confirmed by Lord Eldon in *Aldrich v. Cooper* (1803), 8 Vesey, p. 392: "Yet there is no doubt of the authenticity of that note; for Mr. Cox has in this, as in all other cases (which makes his work of so much value in the library of a lawyer) examined the Register's book, which corresponds with the note."

Chancellor Kent describes Cox's Chancery Cases as "neat, brief, and perspicuous reports of unquestionable accuracy" (*Commentaries* (1826), I., 495).

The editions of Peere Williams subsequent to the publication of Cox's reports omit his full statements of cases in the notes and refer the reader to the latter work.

*Reporter* :—

SAMUEL COMPTON COX. Born 1758; died 1839. Barrister, Lincoln's Inn 1781; Master in Chancery; Treasurer of the Foundling Hospital.

*Judges reported :—*

Lord Thurlow (Edward Thurlow); see Appendix, p. 98.

Lord Loughborough (Alexander Wedderburn); see Appendix, p. 99.

Lord Kenyon (Lloyd Kenyon); see Appendix, p. 87.

Lord Alvanley (Richard Pepper Arden); see Appendix, 70.

**VESEY, junior (Ves. Jun. or Ves.)—Period, 1789—1816.**

Reports of Cases argued and determined in the High Court of Chancery. By FRANCIS VESSEY, junior.

1st edition, 19 volumes, 1—6 folio, 7—19 octavo, 1798—1822.

The 1st volume was reprinted in folio in 1795. Vols. 1—6 were reprinted in octavo in 1801, etc., being described as the second edition, but the true second edition was published in 1827. See below.

2nd edition, with notes of later statutes and decisions, 19 volumes, octavo, 1827; volume 20 (being a Table of Cases and Subject-Index), octavo, 1833.

A Supplement by JOHN EYKYN HOVENDEN, containing notes on the 19 volumes, was published in 1827, 2 volumes, octavo, without the reporter's sanction. See "Advertisement" to volume 20.

The 2nd edition is reprinted in 30—34 English Reports. See also 1—18 Revised Reports.

Vesey, junior, following Brown's Chancery Cases, continues the line of regular Chancery reporters; to some extent Vesey overlaps Brown, 1 and 2 Ves. jun. being contemporary with 2—4 Brown, C.C.; and both are supplemented by Cox. There is a gap in Vesey from Trinity, 1812, to Hilary, 1815, which is filled by Vesey & Beames (see 19 Vesey, 260, note). For the year 1815 Vesey is supplemented by Cooper temp. Eldon, and for 1815—16 by Merivale.

In the 2nd edition, volume 1 contains a table of all the cases reported in the 19 volumes. At the end of volume 19 is a list of *errata* in volumes 1—11, and at the end of volume 20, a list of further *errata* in volumes 1—20. Some copies have the date 1827 instead of 1833 in the title page of volume 20, but this is an error, as the preface to that volume is dated October 1833. This volume is not to be confounded with an Index volume to the 1st edition "by a barrister," published in 1822, without the reporter's sanction. See "Advertisement" to volume 20. The first three volumes are cited as "1—3 Vesey, jun." to distinguish them from the three volumes of Vesey, senior. The remaining volumes of Vesey, junior are cited as "4—20 Vesey."

"These reports are distinguished for their copiousness and fidelity. The same character is due to the reports of his successors, and though great complaints have been made at the delay of causes, arising from the cautious

and doubting mind of the present venerable Lord Chancellor of England, it seems to be universally conceded that he bestows extraordinary diligence in the investigation of immense details of business, and arrives in the end at a correct conclusion, and displays a most comprehensive and familiar acquaintance with equity principles. It must nevertheless be admitted that the reports of Lord Eldon's administration of equity, amounting to perhaps thirty volumes, and replete with attenuated discussion and loose suggestions of doubts and difficulties, are enough to task very severely the patience of the profession" (Kent, *Commentaries*, i., 495(a). (1826.) On the same subject Lord Campbell remarks: "His (Lord Eldon's) later reporters were very able men, and if they had felt themselves at liberty to methodise and condense—accurately preserving the substance and the spirit of the original—they would have done much more justice to him, and conferred a much greater benefit on the public; but I have been told that he highly disapproved of any proposal for reporting him on this plan, and that he was best pleased when he saw himself in the transcript of a shorthand writer" (*Chancellors* (1847), vii., 641).

"I cannot here deny myself the pleasure of observing how greatly the profession is indebted to Mr. Vesey, junior, for his Reports of Cases in Chancery for a series of years. They are valuable for the judgment shown in the selection, and for their fidelity" (Maddock, *Chancery Practice*, 3rd ed. (1837), preface, xxii).

"Thurlow is handed down to us as a judge by Brown, Vesey, junior, and Dickens. It may be partly their fault, but he certainly appears in their reports to little advantage" (Campbell's *Chancellors*, v., 529).

"He (Lord Loughborough) was unlucky in his reporter. I knew this gentleman well. When near eighty he was still called 'Vesey, junior,' to distinguish him from his father, the historiographer of Lord Hardwicke. He was a very good-natured fellow, and very honest and painstaking, but very dull. He wrote his notes in shorthand, which never will produce good reporting. He has succeeded much better with Sir William Grant, whose judgments, when delivered, were perfect in thought and expression; but he was quite unequal to the task of abridging, arranging, and giving the spirit of any discourse which he heard" (Campbell's *Chancellors*, vi., ed. 1847, 237, note). Notwithstanding this faint praise, Lord Campbell was able, in later years, to describe Vesey, junior, as "a very careful and accurate reporter" (*Turner v. Wright* (1860), 6 Jurist (n.s.), p. 810).

For censure of an individual report in Vesey, junior, see *Att.-Gen. v. Lomas* (1873), L. R. 9 Exchequer, p. 35.

The general character of these reports is good.

#### Reporter :—

FRANCIS VESEY, junior. Born 1764; died 1845. Son of Francis Vesey, senior, reporter. Barrister Lincoln's Inn 1792; one of the Six Clerks in Chancery. See Lord Campbell's account of him, *supra*.

#### Judges reported :—

Lord Thurlow (Edward Thurlow); see Appendix, p. 98.

Lord Loughborough (Alexander Wedderburn); see Appendix, p. 99.

(a) Of Chancellor Kent, Lindley, L.J., said: "I do not believe myself that there ever was a lawyer of greater attainments, greater judgment, and greater skill in the application of principles" (*Kennedy v. de Trafford*, [1896] 1 Chancery, p. 774).



Lord Eldon (John Scott); see Appendix, p. 95.  
 Lord Erskine (Thomas Erskine); see Appendix, p. 85.  
 Lord Alvanley (Richard Pepper Arden); see Appendix, p. 79.  
 Sir William Grant; see Appendix, p. 86.

Vesey's reports also contain certain judgments of Sir James Eyre, Chief Baron of the Exchequer, Sir William Henry Ashurst, Justice of the King's Bench, and Sir John Wilson, Justice of the Common Pleas, while acting as Lords Commissioners, and of Sir Francis Buller, Justice of the King's Bench, who occasionally sat as Lord Thurlow's deputy in the Court of Chancery. Biographical particulars of these will be found under Common Law Judges in Part II of this collection.

#### **VESEY AND BEAMES (Ves. & B.)—Period, 1812—1814.**

Reports of Cases argued and determined in the High Court of Chancery. By FRANCIS VESEY and JOHN BEAMES.

8 volumes, octavo, 1818—1815.

The 3rd volume consists of about 200 pages, being less than half the size of volumes 1 or 2.

2nd edition, corrected, with additional notes referring to the late cases, etc. 8 volumes, octavo, 1818.

Reprinted in 85 English Reports. See also 12, 13 Revised Reports.

These reports fill the gap in Vesey junior, from Trinity, 1812, to Hilary, 1815 (see 19 Vesey, 260, *note*). At the end of volume 2 is the Royal Warrant of 14 December, 1814, giving the Attorney and Solicitor-General order of precedence before, instead of after, "the two ancientest of our Serjeants at Law."

For Chancellor Kent's general comment on Lord Eldon's reporters, see remarks above under "Vesey, junior."

For censure of an individual report in Vesey & Beames, see *Bending v. Bending* (1857), 3 Kay & Johnson, 257.

The general character of these reports is good.

#### *Reporters :—*

FRANCIS VESEY. See under Vesey junior, p. 36, *supra*.

JOHN BEAMES. Born 1781; died 1853. Barrister Lincoln's Inn 1811; K.C. 1832; Benchet; Commissioner of Lunatics; Commissioner of Bankruptcy; Member of the Chancery Commission appointed in 1824; editor of *Chancery Orders* (1815) and author of other legal works.

#### *Judges reported :—*

Lord Eldon (John Scott); see Appendix, p. 95.

Sir William Grant; see Appendix, p. 86.

Sir Thomas Plumer; see Appendix, p. 93.

**COOPER temp. ELDON (Coop. G.)—Period, 1815.**

Cases argued and determined in the High Court of Chancery.

By GEORGE COOPER.

1 volume, octavo, 1815.

Reprinted in 85 English Reports. See also 14 Revised Reports.

The regular reports in this volume begin at p. 77 and comprise decisions of Lord Eldon, C., Sir William Grant, M.R., and Sir Thomas Plumer, V.C., in Hilary, Easter, and Trinity Terms, 1815. These are preceded by a case (*ex relatione*) before Sir Richard Pepper Arden, M.R., in 1792, and some decisions of Lord Eldon and Sir William Grant between 1801 and 1814 from the author's own notes. The preface tells us that these reports were not intended to compete with Vesey, who had urged their publication. Some cases in 1815 are given by both reporters, but Cooper's volume was issued in that year and the corresponding volume of Vesey (No. 19) not until 1822. Cooper is followed by Merivale in the regular series, but the latter only reports cases before the Lord Chancellor and the Master of the Rolls, while Maddock reports in the Vice-Chancellor's court from this date.

For Chancellor Kent's general comment on Lord Eldon's reporters, see remarks under Vesey, junior, p. 36, above.

For censure of an individual report in Cooper, see *Sankey v. Alexander* (1874), Irish Reports, 9 Equity, p. 285.

An error seems to have crept into Cooper's report of *Roe v. Gudgeon* (p. 304). On a bill filed for an account the defendant's answer was excepted to because the account was not set out. The defendant swore that the account was so voluminous "that the stamps to the schedule would alone cost £20,000." By the Stamp Act, 48 Geo. III. c. 149, the duty on an office copy answer was 4d. for every sheet of 90 words, so that, even if we read £200. 0. 0 for £20,000, the schedule would extend to 17,400 sheets of 90 words.

The general character of these reports is *good*.

*Reporter :—*

SIR GEORGE COOPER. Born 1778; died 1821. Barrister Lincoln's Inn 1801; Recorder of Prince of Wales Island (Penang), September, 1815; Justice of the Supreme Court of Madras, 1817; died at Madras, August, 1821.

*Judges reported :—*

Lord Eldon (John Scott); see Appendix, 95.

Lord Alvanley (Richard Pepper Arden); see Appendix, 79.

Sir William Grant; see Appendix, p. 86.

Sir Thomas Plumer; see Appendix, p. 93.

**MERIVALE (Mer.)—Period, 1815—1817.**

Reports of cases argued and determined in the High Court of Chancery. By JOHN HERMAN MERIVALE.

8 volumes, octavo, 1817—1819.

Reprinted in 35, 36 English Reports. See also 15—17 Revised Reports.

These reports, beginning in Michaelmas Term, 1815, continue the work of Cooper Temp. Eldon, with the exception of the Vice-Chancellor's decisions which are taken up by Maddock from this period. We learn from the preface that these reports were undertaken with Vesey's approval, and in contemplation of his retirement. Volume 1 contains some of the cases found in 19 Vesey, the latter being subsequent in date of publication. An appendix to volume 1 contains notes and corrections; an appendix to volume 3, notes of cases 1805 to 1815, not comprised in the contemporary reports, being decisions of Lord Eldon, Sir William Grant, and the Barons sitting on the equity side of the Exchequer.

For Chancellor Kent's general comment on Lord Eldon's reporters, see remarks under Vesey, junior, p. 36 above.

For censure of Merivale's report of a particular case see *Finch v. Hollingsworth* (1855), 21 Beaven, 112, but it is pointed out in 17 Revised Reports, preface, p. vii., that as the case is reported only *ex relatione*, it is no disparagement to "Merivale's general accuracy as a reporter." Another report of Merivale's is criticized in *Tyson v. Fairclough* (1824), 2 Simons & Stuart, 145; and see 3 Simons, 1, note and *ib.* 14. "One of Sir William Grant's best decisions, a ruling authority, is given in fourteen lines," is said of *Carr v. Carr*, 1 Merivale, 541; (2 Macqueen, House of Lords, 688, note). The statement must be accepted according to the letter; fourteen lines are occupied in stating the principle decided, but the entire report fills four times that space. As this report is also *ex relatione*, whatever credit is due must probably be shared by the reporter with his informant.

The general character of Merivale's reports is *excellent*.

*Reporter :—*

JOHN HERMAN MERIVALE. Born 1779; died 1844. Barrister Lincoln's Inn 1804; member of the Chancery Commission appointed in 1824; Commissioner of Bankruptcy, 1831.

*Judges reported :—*

Lord Eldon (John Scott); see Appendix, p. 95.

Sir William Grant, M.R.; see Appendix, p. 86.

**SWANSTON (Swans.)—Period, 1818, 1819.**

Reports of Cases argued and determined in the High Court of Chancery. By CLEMENT TUDWAY SWANSTON.

3 volumes, octavo, 1821—1827.

Reprinted in 36 English Reports. See also 18, 19, Revised Reports.

These reports follow Merivale in the series of regular reports, and are contemporary with Wilson, *q.v.* under 'Chancery (Collateral).'

p. 51, *infra*. In appendixes to volumes 2 and 3 are reports and entries of cases from the seventeenth century onwards, extracted from Lord Nottingham's manuscripts and other sources. See also volume 2, p. 83, n.

"In preparing the cases for publication, the editor, after consulting every authority cited in Court, was frequently induced to pursue the inquiry, and in some important questions traced from its origin the theory of the successive decisions. The notes subjoined to many of the judgments are the results of this investigation" (*Preface*).

"I would single out Swanston's Reports as those which, with the excellent notes of the reporter, will perhaps best repay a diligent perusal" (E. J. Lloyd, barrister, afterwards Q.C. and County Court Judge at Bristol, *Lecture on a Course of Reading in Equity* (1836), 12 *Legal Observer*, 521).

Mr. Swanston, "who so ably reported the later decisions of Lord Eldon, has published, in the Appendix to his second and third volumes, from the folio MS. volume of Lord Nottingham's judgments in his own handwriting, a number of very important cases which strikingly exhibit the characteristics of his judicial style and manner" (Campbell, *Chancellors*, iii., 420).

Wallace (*Reporters*, 489), in referring to *Reports temp. Finch*, remarks: "It is grievous to think that such are the records which profess to transmit to us the decrees of Lord Nottingham. A few only of his decisions come to us in any form to do justice to his great understanding. These may be read in the appendix to the 2nd and 3rd volumes of Mr. Swanston's *Chancery Reports*."

"These reports (Swanston) have generally been acknowledged to be among the very best that our country has produced" (Obituary notice, 38 *Law Times Journal* (1863), p. 363).

"Mr. F. F. Heard in an article on "The Reporters and Text Writers" in the *Southern Law Review*, vol. i., p. 509, thus highly, but still justly, characterizes these reports: 'The author was a man of fine literary attainments, and an accomplished lawyer. The volumes are among the very best of the Chancery reporters. The canons of good reporting are rigorously observed. The reporter gives a full statement of the facts, with an outline of the pleadings, and the substance of the arguments, with the authorities cited. . . . Many of the cases are enriched by learned and accurate notes which are of great value, as containing a full classification of authorities and discussions of questions of practical importance'" (Wallace, *Reporters*, p. 526, n.).

For Chancellor Kent's general comment on Lord Eldon's reporters, see remarks under Vesey junior, p. 36, *supra*.

The general character of these reports is *excellent*.

*Reporter :—*

CLEMENT TUDWAY SWANSTON. Born 1783; died 1863. Barrister Lincoln's Inn, 1813; K.C. 1832; bench; Commissioner of Bankruptcy.

*Judges reported :—*

Lord Eldon (John Scott); see Appendix, p. 95.  
Sir Thomas Plumer; see Appendix, p. 93.

**JACOB AND WALKER (Jac. & W.)—Period, 1819—1821.**

Reports of Cases argued and determined in the High Court of Chancery. By EDWARD JACOB and JOHN WALKER.

2 volumes, octavo, 1821—1828.

There is a hiatus in the paging of volume 1, pp. 429—448 being omitted.

Reprinted in 87 English Reports. See also 20—22, Revised Reports.

Jacob and Walker succeed Swanston as reporters of Lord Eldon, C., and Sir Thomas Plumer, M.R.

For Chancellor Kent's comment on Lord Eldon's reporters, see remarks under Vesey junior, p. 36, above; but any censure on the reporters that may be implied from the Chancellor's words cannot apply to Jacob and Walker, whose reports have always borne a high character for excellence.

*Reporters :—*

EDWARD JACOB. Born 1796; died 1841. Fellow of Caius College, Cambridge; Senior Wrangler 1816 (Whewell being second). Barrister Lincoln's Inn, 1819; equity draftsman; K.C. 1834; received an assurance of an equity judgeship shortly before his death (Venn, *History of Caius College*); died in Malta 15th December, 1841. Author of *Treatise on the Law of Property relating to Husband and Wife*. A *bon mot* of Jacob's was quoted by the late Lord Justice James on the hearing of a Chancery Appeal where the only question was one of costs:

"This case reminds me of what I was informed forty years ago by the late Mr. Jacob, that questions in this court are in the following order with respect to the importance attached to them and the zeal with which they are argued, namely, practice first, costs second, and merits third and last" (*Attorney-General v. Earl of Lonsdale* (1870). L. R. 6 Chancery Appeals, p. 143).

JOHN WALKER. Born 1795; died 1869. Barrister Lincoln's Inn, 1819; Q.C. 1841; benchet.

*Judges reported :—*

Lord Eldon (John Scott); see Appendix, p. 95.

Sir Thomas Plumer; see Appendix, p. 93.

**JACOB (Jac.)—Period, 1821, 1822.**

Reports of cases argued and determined in the High Court of Chancery. By EDWARD JACOB.

1 volume, octavo, 1828.

Reprinted in 37 English Reports. See also 23 Revised Reports.

These reports, in continuation of Jacob and Walker, contain the decisions of Lord Eldon, C., and Sir Thomas Plumer, M.R. They bear the same excellent reputation as their immediate predecessors, but six years elapsed between the hearing of the cases and the publication.

*Reporter :—*

EDWARD JACOB. See Jacob & Walker, *supra*.

*Judges reported :—*

Lord Eldon (John Scott) ; see Appendix, p. 95.

Sir Thomas Plumer ; see Appendix, p. 93.

**TURNER AND RUSSELL (Turn. & R.)—Period, 1822—1824.**

Reports of Cases argued and determined in the High Court of Chancery. By GEORGE (JAMES) TURNER and JAMES RUSSELL.

1 volume, octavo, 1832.

Though entitled "volume 1," no more were issued.

Reprinted in 37 English Reports. See also 23, . . . Revised Reports.

The decisions of Lord Eldon, C., and Sir Thomas Plumer, M.R., are continued in this volume. The reports bear the same excellent character as their predecessors, but it will be observed that there was great delay in publication.

*Reporters :—*

The Right Hon. SIR GEORGE JAMES TURNER, Lord Justice of Appeal (see Appendix, p. 99).

JAMES RUSSELL. Born 1790 ; died 1861. Barrister, Inner Temple, 1822 ; Q.C. 1841 ; leader in V.C. Knight-Bruce's court.

*Judges reported :—*

Lord Eldon (John Scott) ; see Appendix, p. 95.

Sir Thomas Plumer ; see Appendix, p. 93.

**RUSSELL (Russ.)—Period, 1826—1829.**

Reports of cases argued and determined in the High Court of Chancery. By JAMES RUSSELL.

5 volumes, octavo, 1827—1830.

The 5th volume consists of two parts only (360 pages), without a title page.

Reprinted in 38 English Reports. See also 25—29 Revised Reports.

These reports follow Turner & Russell after a gap of two years (1824, 1825). During this interval no decisions of the Lord Chancellor or the Master of the Rolls sitting in the Court of Chancery were reported in the regular series ; but see 2—4 Law Journal Reports.

The judgment in *White v. Vitty*, partly reported 2 Russell, 484, will be found in 4 Russell, 584.

The general character of these reports is good, but not equal to

those of Merivale, Swanston, Jacob & Walker, Jacob, and Turner & Russell. They had the merit of being more punctually issued than the two last-named.

*Reporter :*

JAMES RUSSELL; see under Turner & Russell, *supra*.

*Judges reported :—*

Lord Eldon (John Scott); see Appendix, p. 95.

Lord Lyndhurst (John Singleton Copley); see Appendix, p. 83.

Lord Gifford (Robert Gifford); see Appendix, p. 86.

Sir John Leach; see Appendix, p. 90.

**RUSSELL AND MYLNE (Russ. & M.)—Period, 1829—1833.**

Reports of cases argued and determined in the High Court of Chancery. By JAMES RUSSELL and JAMES WILLIAM MYLNE.

2 volumes, octavo, 1832—1837.

Reprinted in 39 English Reports. See also 32 and 34 Revised Reports.

These reports follow Russell after a gap of almost three terms, Hilary, Easter, and Trinity, 1829, which is partly filled by Tamlyn (see p. 57, below). There was great delay in publication, volume 2, consisting principally of cases in 1831, not being issued until 1837. A very few cases in 1832 and 1833 are inserted in volume 2, which for practical purposes ends with 1831.

The general character of these reports is *good*.

*Reporters :—*

JAMES RUSSELL; see under Turner & Russell, *supra*.

JAMES WILLIAM MYLNE. Born 1801; died 1856. Barrister Lincoln's Inn 1827; a Metropolitan Commissioner of Lunacy.

*Judges reported :—*

Lord Lyndhurst (John Singleton Copley); see Appendix, p. 83.

Lord Brougham (Henry Peter Brougham); see Appendix, p. 80.

Sir John Leach; see Appendix, p. 90.

**MYLNE AND KEEN (Myl. & K.)—Period, 1832—1835.**

Reports of cases argued and determined in the High Court of Chancery. By JAMES WILLIAM MYLNE and BENJAMIN KEEN.

8 volumes, octavo, 1834—1837.

Reprinted in 39, 40 English Reports. See also 36, 39, 41 Revised Reports.

These reports follow Russell & Mylne after a gap of almost four terms, Michaelmas, 1831 to Trinity, 1832. They are supplemented

by C. P. Cooper's collection of Lord Brougham's judgments, 1833-34 (see Cooper temp. Cottenham, p. 55, *infra*).

The general character of these reports is *good*.

*Reporters :—*

JAMES WILLIAM MYLNE ; see Russell & Mylne, *supra*.

BENJAMIN KEEN. Barrister Middle Temple 1830 (admitted 1816) ; admitted to Lincoln's Inn 1836 ; equity draftsman and conveyancer ; author of Keen's Reports at the Rolls (see p. 58, *infra*). He died in 1839.

*Judges reported :—*

Lord Brougham (Henry Peter Brougham) ; see Appendix, p. 80.

Lord Lyndhurst (John Singleton Copley) ; see Appendix, p. 83.

Sir John Leach ; see Appendix, p. 90.

Sir Charles Christopher Pepys (afterwards Lord Cottenham) ; see Appendix, p. 92.

**MYLNE AND CRAIG (My. & C.)—Period, 1835—1840.**

Reports of Cases argued and determined in the High Court of Chancery. By JAMES WILLIAM MYLNE and RICHARD DAVIS CRAIG.

5 volumes, octavo, 1837—1848.

Reprinted in 40, 41, English Reports. See also 49, 45, 48 Revised Reports.

These reports follow Mylne and Keen after a gap of almost three terms, Hilary, Easter, and Trinity, 1835. The second and subsequent volumes omit the Master of the Rolls' decisions which, from the appointment of Lord Langdale in January, 1836, are reported separately by Keen (see p. 58, *infra*). Volume 5 was published five years later than Volume 4, and seven years after the latest decision it reports.

The general character of these reports is *good*. As to a verbal error in 2 My. & C., at p. 708, see 48 Revised Reports, *preface*, and p. 93.

*Reporters :—*

JAMES WILLIAM MYLNE ; see Russell & Mylne (p. 44, *supra*).

RICHARD DAVIS CRAIG. Born 1810 ; died 1884. Barrister Lincoln's Inn 1834 ; Q.C. 1851 ; bencher ; one of the two revising barristers for London and Westminster, 1835-40.

*Judges reported :—*

Lord Cottenham (Charles Christopher Pepys) ; see Appendix, p. 92.

Sir Lancelot Shadwell ; see Appendix, p. 96.

Judgments of Sir John Bernard Bosanquet, Justice of the Common Pleas, Lord Commissioner, 1835-36, whose biography will be included in Part II of this work, are also reported.



**CRAIG AND PHILLIPS (Cr. & Ph.)—Period, 1840, 1841.**

Reports of Cases argued and determined in the High Court of Chancery. By RICHARD DAVIS CRAIG and THOMAS JODRELL PHILLIPS.

1 volume, octavo, 1842.

Though this is described as volume 1, no more were issued.

Reprinted in 41 English Reports. See also 54 Revised Reports.

Craig & Phillips cover the period Michaelmas, 1840, to Trinity, 1841, and are the latest regular reports of decisions of the Lord Chancellor as a Judge of first instance; see "Phillips," *infra*.

The general character of these reports is *good*.

*Reporters :—*

RICHARD DAVIS CRAIG; see Mylne & Craig, above.

THOMAS JODRELL PHILLIPS. Born 1807; died 1889. Barrister Inner Temple 1835; author of Phillips' reports (see below); assumed the name of Phillips-Jodrell in 1868 (*Burke's Landed Gentry*, "Jodrell of Yeardsley").

*Judge reported :—*

Lord Cottenham (Charles Christopher Pepys); see Appendix, p. 92.

**PHILLIPS (Ph.)—Period, 1841—1849.**

Reports of cases argued and determined in the High Court of Chancery. By THOMAS JODRELL PHILLIPS.

2 volumes, octavo, 1847—1849.

Reprinted in 41 English Reports. See also 65, 78, Revised Reports.

The first volume of these reports covers a period of six years, 1841—1846. The second volume purports to cover the period 1847—1849, but the first 177 pages are mostly of the year 1846. None of the cases are later than January, 1849.

By General Order of 11th November, 1841, upon the appointment of two additional Vice-Chancellors under the Act 5 Vict. c. 5, informations or bills marked "Lord Chancellor" were required also to be marked with the name of one of the three Vice-Chancellors, and suits so commenced were attached to the Court of one of the Vice-Chancellors accordingly. The Master of the Rolls' causes having been separated from the Lord Chancellor's under General Order of 5th May, 1837, the practice was thus established, which continued until the passing of the Judicature Acts, that the Lord Chancellor should confine himself exclusively to the hearing of appeals and the Master of the Rolls and the Vice-Chancellors to

original causes and applications. Accordingly these reports are generally confined to the decisions of the Lord Chancellor on appeal from the Master of the Rolls and the Vice-Chancellors.

At the beginning of volume 1 is a table of Chancery Judges from the Restoration.

The general character of these reports is *good*; but see Hall & Twells, p. 56, *infra*.

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*Reporter :—*

THOMAS JODRELL PHILLIPS; see Craig & Phillips, *supra*.

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*Judges reported :—*

Lord Lyndhurst (John Singleton Copley); see Appendix, p. 83.

Lord Cottenham (Charles Christopher Pepys); see Appendix, p. 92.

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**MACNAGHTEN AND GORDON (Mac. & G.)—Period, 1849—1852.**

Reports of Cases argued and determined in the High Court of Chancery. By STEUART MACNAGHTEN and ALEXANDER GORDON.

3 volumes, octavo, 1850—1852.

Reprinted in 41, 42 English Reports. See also 84, 86, 87, Revised Reports.

The two Lords Justices of Appeal in Chancery appointed under the Act 14 & 15 Vict. c. 83 sat first in Michaelmas Term, 1851. Their earliest decisions are reported in *De Gex, Macnaghten and Gordon* (see Memorandum, 3 Macnaghten & Gordon, 754).

The general character of these reports is *excellent*; but see Hall & Twells, p. 56, below.

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*Reporter :—*

SIR STEUART MACNAGHTEN. Born 1815; died 1895. Barrister Middle Temple 1839; Chairman of Southampton Dock Company; knighted 1890.

ALEXANDER GORDON. Born 1815; died 1899. Barrister Inner Temple 1841; equity draftsman and conveyancer.

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*Judges reported :—*

Lord Cottenham (Charles Christopher Pepys); see Appendix, p. 92.

Lord Truro (Thomas Wilde); see Appendix, p. 100.

Lord Langdale (Henry Bickersteth); see Appendix, p. 80.

Sir Lancelot Shadwell; see Appendix, p. 96.

Sir Robert Monsey Rolfe (afterwards Lord Cranworth); see Appendix, p. 93.

The last three sat as Lords Commissioners in 1850.

**DE GEX, MACNAGHTEN AND GORDON (De G., M. & G.)**—*Period*, 1851—1857.

Reports of cases heard and determined by the Lord Chancellor and the Court of Appeal in Chancery. By JOHN PETER DE GEX, STEUART MACNAGHTEN, and ALEXANDER GORDON.

8 volumes, octavo, 1858—1864.

Reprinted in 42—44 English Reports. See also 91—114.

Revised Reports.

Sir James Lewis Knight-Bruce and Lord Cranworth were appointed the first Lords Justices of Appeal in Chancery under the Act 14 & 15 Vict. c. 83, and took their seats in Michaelmas Term, 1851, when the present reports commence. The cases before the Lord Chancellor were reported by Macnaghten and Gordon, the cases before the Lords Justices by De Gex. For a case where the report in the Jurist and the Law Journal was preferred to that in De Gex, Macnaghten & Gordon, see *Re Porter* (1856), 2 Jur. N. S. 349.

The general character of these reports is excellent.

*Reporters :—*

SIR JOHN PETER DE GEX. Born 1809; died 1887. Barrister Lincoln's Inn 1835; Q.C. 1865; bencher; Treasurer of the Inn in 1882, and knighted on the opening of the Royal Courts of Justice in that year. Author or joint author of the following reports: Montagu Deacon & De Gex (Bankruptcy), De Gex (Bankruptcy), De Gex & Smale (Chancery), De Gex, Macnaghten & Gordon (Chancery), De Gex & Jones (Chancery), De Gex, Fisher & Jones (Chancery), De Gex, Jones & Smith (Chancery).

SIR STEUART MACNAGHTEN and ALEXANDER GORDON; see Macnaghten & Gordon, above.

*Judges reported :—*

Lord Truro (Thomas Wilde); see Appendix, p. 100.

Lord St. Leonards (Edward Burtenshaw Sugden); see Appendix, p. 97.

Lord Cranworth (Robert Monsey Rolfe); see Appendix, p. 93.

Sir James Lewis Knight-Bruce; see Appendix, p. 89.

Sir George James Turner; see Appendix, p. 99.

**DE GEX AND JONES (De G. & J.)—Period**, 1857—1859.

Reports of Cases heard and determined by the Lord Chancellor and the Court of Appeal in Chancery. By JOHN PETER DE GEX and HENRY CADMAN JONES.

4 volumes, octavo, 1858—1861.

Reprinted in 44, 45 English Reports. See also 118, 119, 121, 124 Revised Reports.

The following note is prefixed to volume 4 (1861) :—

"In preparing the reports of several of the cases in this and the preceding volume the reporters had the assistance of valuable notes taken by their deeply-regretted friend the late Mr. Regnier Moore, whose name and labours they had hoped for the future to have associated with their own."

These reports bear the same excellent character as their immediate predecessors.

*Reporters :—*

SIR JOHN PETER DE GEX ; see De Gex, Macnaghten and Gordon, *supra*.

HENRY CADMAN JONES. Born 1818 ; died 1902. Second Wrangler, 1841. Barrister Lincoln's Inn 1845. Continued to report Chancery Appeals and, afterwards, in the Appeal Court under the Judicature Acts, until 1890.

REGNIER WINCKLEY MOORE. Born 1818 ; died 1859. Barrister Lincoln's Inn 1842 ; equity draftsman and conveyancer.

*Judges reported :—*

Lord Cranworth (Robert Monsey Rolfe) ; see Appendix, p. 93.

Lord Chelmsford (Frederick Thesiger) ; see Appendix, p. 98.

Lord Campbell (John Campbell) ; see Appendix, p. 82.

Sir James Lewis Knight-Bruce ; see Appendix, p. 89.

Sir George James Turner ; see Appendix, p. 99.

**DE GEX, FISHER AND JONES (De G., F. & J.)—Period, 1859—1862.**

Reports of cases heard and determined by the Lord Chancellor and the Court of Appeal in Chancery. By JOHN PETER

DE GEX, FRANCIS FISHER, and HENRY CADMAN JONES.

4 volumes, octavo, 1861—1870.

Reprinted in 45 English Reports. See also 125, 129, 130

Revised Reports.

These reports bear the same excellent character as their predecessors, but there was considerable delay in the publication of the last two volumes.

*Reporters :—*

SIR JOHN PETER DE GEX ; see De Gex, Macnaghten & Gordon, p. 48, *supra*.

FRANCIS FISHER. Born 1821 ; died 1863. Barrister Lincoln's Inn 1839 ; equity draftsman and conveyancer.

HENRY CADMAN JONES ; see De Gex and Jones, *supra*.

F.L.R.

*Judges reported :—*

Lord Campbell (John Campbell) ; see Appendix, p. 82.  
 Lord Westbury (Richard Bethell) ; see Appendix, p. 79.  
 Sir James Lewis Knight-Bruce ; see Appendix, p. 80.  
 Sir George James Turner ; see Appendix, p. 99.

**DE GEX, JONES AND SMITH (De G., J. & S.)—Period, 1862—1865.**

Reports of cases heard and determined by the Lord Chancellor and the Court of Appeal in Chancery. By JOHN PETER DE GEX, HENRY CADMAN JONES and RICHARD HORTON SMITH.

4 volumes, octavo, 1865—1873.

Reprinted in 46 English Reports.

These reports end the regular series of Chancery appeals published under the title of the reporters' names, and are succeeded by The Law Reports, Chancery Appeals. Mr. Cadman Jones continued to report Chancery Appeals for the Law Reports in conjunction with Mr. Charles Marett and Mr. Martin Ware.

At the end of volume 4, which was not issued until 1873, is a table of cases reported in the series De Gex, Macnaghten and Gordon, De Gex & Jones, De Gex, Fisher & Jones, and De Gex, Jones & Smith, 1851—1865.

The general character of these reports is *excellent*.

*Reporters :—*

SIR JOHN PETER DE GEX ; see De Gex, Macnaghten & Gordon, p. 48, *supra*.

HENRY CADMAN JONES ; see De Gex & Jones, p. 49, *supra*.

RICHARD HORTON SMITH. Barrister Lincoln's Inn 1859 ; K.C. 1877 ; benchers ; treasurer 1903.

*Judges reported :—*

Lord Westbury (Richard Bethell) ; see Appendix, p. 79.  
 Lord Cranworth (Robert Monsey Rolfe) ; see Appendix, p. 93.  
 Sir James Lewis Knight-Bruce ; see Appendix, p. 89.  
 Sir George James Turner ; see Appendix, p. 99.

For other Chancery reports (Lord Chancellor, &c.), see "Chancery (collateral)" reports, *infra*, and "Reports in all the Courts" in Part II of this work.

## II. CHANCERY (COLLATERAL).

### **ROMILLY'S NOTES OF CASES.**—*Period, 1767—1787.*

Notes of cases extracted from the manuscripts of Sir Samuel Romilly, with notes. By EDWARD ROMILLY.

1 part only (179 pages), octavo, 1872.

Twenty-one equity cases decided by the House of Lords, the Court of Chancery, and the Court of Exchequer, selected from 800 cases noted by Sir Samuel Romilly. The notes are very full, discussing the principles and bringing the cases down to the date of publication. Some of the cases are reported at length, others very shortly.

These reports are seldom cited, but are of value as covering a period for which Chancery reports are scarce.

#### *Reporters :—*

**SIR SAMUEL ROMILLY.** Born 1757; died 1818. Barrister Gray's Inn 1783; K.C. 1800; treasurer 1803; Solicitor-General 1806; from 1802 one of the recognized leaders of the Chancery bar. "As an adept . . . in the whole mystery of law and equity he was without a superior, perhaps without a rival, in his day" (*Dictionary of National Biography*).

**EDWARD ROMILLY.** Born 1838; died 1886. Grandson of Sir Samuel Romilly; barrister Gray's Inn 1864; bencher 1884; secretary to Sir William Milbourne James, Lord Justice of Appeal; Clerk of records and writs; Master of the Supreme Court.

#### *Judges reported :—*

Lord Thurlow (Edward Thurlow); see Appendix, p. 98.

Lord Loughborough (Alexander Wedderburn); see Appendix, p. 99.

Judgments of the following Common Law Judges, whose biographies will be included in Part II of this work, are also reported :—

Sir John Skynner, Chief Baron of the Exchequer.

Sir James Eyre, Chief Baron of the Exchequer.

Sir Francis Buller, Justice of the King's Bench, who sat for Lord Thurlow.

The cases also include decisions of Lord Camden and Lord Bathurst who belong to an earlier period.

### **WILSON, CHANCERY (Willa.)**—*Period, 1818, 1819.*

Reports of cases in Chancery determined in the years 1818 and 1819. By JOHN WILSON.

2 volumes, octavo. 1821. Volume 1 contains three parts and volume 2, one part only. The four parts are usually bound together. As originally issued, the volumes had no date or title page, the reporter's name appearing only on the cover. At a subsequent date title pages to both volumes were printed, and some of the original copies of the work are bound with these pages, bearing the date 1872. The first part seems to have been issued in 1818 and the bound volume in 1821. There is a separate table of cases for each part, and as the tables are sometimes bound up with the parts to which they belong it may be noted that part 2 begins at p. 155, and part 3 at p. 313.

Reprinted in 37 English Reports. See also 18 Revised Reports.

These reports are contemporary with Swanston and Jacob & Walker in the regular series. All but nine of the cases in Wilson are contained in the regular reports.

"It is the almost invariable practice both in text-books and in law reports when citing such cases to refer to Swanston's reports and not to Wilson's reports. In compliance with this practice it is thought convenient to preserve the reports from Swanston only, except in a few cases when the corresponding report from Wilson is for some special reason to be preferred" (18 Revised Reports, *preface*).

It is noted in a slip attached to the first part of Wilson that his reports commence with the sittings before Hilary Term 1818, "being the period from which it is understood that those which have hitherto been published by Mr. Merivale are intended to be discontinued." Merivale ends with December, 1817, on the retirement of Sir William Grant, M.R., but is immediately succeeded by Swanston.

The general character of these reports is good. They are not often cited, but are useful as supplementary to the regular reports.

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*Reporter :—*

JOHN WILSON. Born 1785; died 1851. Barrister Middle Temple 1811; County Court Judge 1847; author of reports on the equity side of the Exchequer.

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*Judges reported :—*

Lord Eldon (John Scott); see Appendix, p. 95.  
Sir Thomas Plumer; see Appendix, p. 93.

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**COOPER temp. BROUGHAM** (Coop. t. Brong.)—*Period*, 1838, 1884.

Select cases decided by Lord Brougham in the Court of

Chancery. Edited from his Lordship's original manuscripts. By CHARLES PURTON COOPER.

1 volume, octavo, 1835.

The volume, consisting of 521 pages, is entitled volume 1, but no more were issued. It contains no Subject-index.

Reprinted in 47 English Reports. See also 38 Revised Reports.

This is a collection of Lord Brougham's judgments. Where the facts are not stated in the judgment a short statement is prefixed; counsel's arguments are not given. In his preface the editor admits that most of the cases have already been edited by Mylne & Keen in a more satisfactory form. The only reason for the present publication was a promise by the editor to a distinguished foreign jurist to publish authentic copies of Lord Brougham's written judgments. Very few of the cases (5 only) have been taken from Cooper temp. Brougham for the Revised Reports (38 Revised Reports, 28, note).

These cases are rarely cited.

*Reporter :—*

CHARLES PURTON COOPER. Born 1793; died 1873. Barrister Lincoln's Inn 1816; bench 1836; Q.C. 1837; treasurer 1853; Queen's Serjeant for the Duchy of Lancaster; secretary to the Second Record Commission.

For the author's other reports, see "C. P. Cooper" and "Cooper temp. Cottenham," *infra*.

*Judge reported :—*

Lord Brougham (Hy. Peter Brougham); see Appendix, p. 80.

**DONNELLY.**—*Period, 1836, 1837.*

Minutes of cases argued and determined in the High Court of Chancery. By ROSS DONNELLY.

1 volume, octavo, 1837, 1838.

Reprinted in 47 English Reports.

The cases are reported shortly as implied by the description of "minutes." The volume, a thin one, consists of a first series, including cases from Hilary, 1836 to Easter, 1837, and the first part of a second series including a few cases in Michaelmas Term, 1837. The preface to the second series states that the author's object was to supply by a monthly number an early report of decisions which should not interfere with the regular reports. Donnelly is collateral with 1 & 2 Mylne & Craig but the majority of his cases are not contained in the regular reports.

These reports are not full enough to be of much permanent value.



*Reporter :—*

ROSS DONNELLY. Born 1808 ; died 1896 (?). Barrister Lincoln's Inn 1831 ; conveyancer. The author settled in Sydney, New South Wales, in 1851, but his name appears in the English law list until 1896.

*Judges reported :—*

Lord Cottenham (Charles Christopher Pepys) ; see App. p. 92.

Lord Langdale (Henry Bickersteth) ; see Appendix, p. 80.

Sir Lancelot Shadwell ; see Appendix, p. 96.

A few decisions on the equity side of the Exchequer by Lord Abinger, Chief Baron, and Baron Alderson will be found on pages 2—11. Biographies of these two Judges will be included in Part II of this work.

**C. P. COOPER or COOPER PRACTICE CASES (Coop. P. C.)**

—*Period*, 1837, 1838.

Reports of some cases adjudged in the Courts of the Lord Chancellor, Master of the Rolls, and Vice-Chancellor, with notes and an appendix. By CHARLES PURTON COOPER.

1 volume, octavo, 1838—1841.

Entitled volume 1, but no more were issued. Some copies are labelled on the covers "Practice Cases," but this description is not in the book. The reporter's own mode of citation was "C. P. Cooper" (see 1 Cooper temp. Cottenham, ix, and table at p. xxxi).

Reprinted in 47 English Reports. See also 46 Revised Reports.

These cases, the great majority of which are on points of practice, are collateral with Mylne & Craig of the regular series. The contents of the volume are ill-arranged, and there is no alphabetical subject-index. There are two distinct lists of cases (pp. vii—xx.). The contents from p. 505 to p. 676, consisting of miscellaneous cases and notes, are tabulated at pp. xxi—xxv.

"Mr. Charles Purton Cooper's learned and somewhat erratic reports, which are sometimes useful to supplement and correct earlier as well as contemporary publications" (46 Revised Reports, *Preface*).

*Reporter :—*

CHARLES PURTON COOPER ; see Cooper temp. Brougham, *supra*.

*Judges reported :—*

Lord Cottenham (Charles Christopher Pepys) ; see Appendix, p. 92.

Lord Langdale (Henry Bickersteth) ; see Appendix, p. 80.

Sir Lancelot Shadwell ; see Appendix, p. 96.

**COOPER temp. COTTENHAM** (Coop. t. Cott.)—*Period, 1846—1848.*

Reports of cases in Chancery decided by Lord Cottenham, with which are interspersed some miscellaneous cases and dicta and various notes. By CHARLES PURTON COOPER.

2 volumes, octavo, 1846—1848.

Reprinted in 47 English Reports. See also 76 Revised Reports.

This collection, though it contains much information valuable to a lawyer, is even more of a jumble than C. P. Cooper (see above). Volume 1 consists of three parts and an appendix; each part contains decisions followed by several pages of memoranda, and the appendix contains notes and further memoranda. By way of index there is prefixed an alphabetical table of all the cases contained in this volume and in C. P. Cooper (1837–8). This is followed by a table, not alphabetical, of miscellaneous matters of law and practice included in the author's notes throughout the volume. This is followed by a table of miscellaneous matters in C. P. Cooper (1837–8). At pp. xevii. to cxvii. are lists of Lords Chancellors and Masters of the Rolls from the reign of Elizabeth, and of the Vice-Chancellors, with notes. The author intended to supply a complete subject-index (see p. 607 n.), but this was not done. At p. 609 is a summary of the contents of the volume. There are three prefaces, one to each part, bound together at the beginning of the volume; the second and third contain answers to correspondents on various legal and antiquarian points. In the third preface the author mentions that at that time (October, 1847) there were 457 barristers habitually practising in the Court of Chancery, of whom 31 were Queen's Counsel.

Volume 2 consists of two parts only (560 pp.), and was never completed. Each of the two parts is preceded by a title-page, a preface (consisting of answers to correspondents), a list of cases reported in that part, and a table, not alphabetical, of miscellaneous matters of law and practice included in the author's notes throughout the part, and then from pp. 449 to 552 are "Miscellaneous cases and dicta ancient and modern."

The principal cases are well reported, and are collateral with Phillips of the regular series.

"C. P. Cooper's reports are strange books. They are perversely constructed or rather thrown together; they mix up reports in the proper sense with compilations from written and printed documents not certified by any member of the Bar present at the hearing and decision of the cause; and they are overloaded with matter irrelevant to a reporter's purpose, though much of it is interesting. Nevertheless, they often give information on points where more authentic sources fail us" (74 Revised Reports, *preface*, vi.).

"C. P. Cooper's collection 'temp. Cottenham' has preserved for us, notwithstanding its title, several cases of much earlier date. *Natuech v. Irving* (1824), 2 Coop. t. Cott. 358, and *Lashley v. Hog* (1804), 2 Coop. t. Cott. 449, contain important judgments of Lord Eldon's; the latter was a

Scottish appeal, and in 1804 the reporting in the House of Lords was still rather casual; but the former was in the Court of Chancery, and it is not easy to see why it was not reported in the regular course" (76 Revised Reports, *preface*, v.) (a).

*Reporter :—*

CHARLES PURTON COOPER; see Cooper temp. Brougham, p. 52, *supra*.

*Judge reported :—*

Lord Cottenham (Charles Christopher Pepys); see Appendix, p. 92.

**HALL AND TWELLS (H. & Tw.)—Period, 1848—1850.**

Reports of cases argued and determined in the High Court of Chancery during the time of Lord Chancellor Cottenham and the Lords Commissioners. By FREDERICK JAMES HALL and PHILIP TWELLS.

2 volumes, octavo, 1850—1851.

Reprinted in 47 English Reports. See also 84 Revised Reports.

These reports, extending from Michaelmas, 1848, to Trinity, 1850, are collateral with Phillips and Macnaghten & Gordon of the regular series, and the cases are well reported. The editor of the Revised Reports (volume 82, *preface*) calls attention to the carelessness of the regular reporters of Chancery appeals about this period in omitting cases which should have been reported by them, but are only found in serial or competing reports.

*Reporters :—*

FREDERICK JAMES HALL. Barrister Inner Temple 1827; equity draftsman and conveyancer. Died 1854.

PHILIP TWELLS. Born 1808; died 1880. Barrister Lincoln's Inn 1834; equity draftsman and conveyancer; banker; M.P. for the City of London 1874—1880.

*Judges reported :—*

Lord Cottenham (Charles Christopher Pepys); see Appendix, p. 92.

Lord Langdale (Henry Bickersteth); see Appendix, p. 80.

Sir Robert Monsey Rolfe (afterwards Lord Cranworth); see Appendix, p. 93.

For other Chancery collateral reports, see "Reports in all the Courts," Part II of this work.

(a) As pointed out under "Russell," p. 43, *supra*, no decisions of the Lord Chancellor in the year 1824 were reported in the regular series.

### III.—ROLLS COURT.

#### **TAMLYN (Taml.)—Period, 1829, 1830.**

Reports of cases decided in the High Court of Chancery by the Right Hon. Sir John Leach, Master of the Rolls. By JOHN TAMLYN.

1 volume, octavo, 1831.

Entitled volume 1, though no more were issued.

Reprinted in 48 English Reports. And see 31 Revised Reports.

These reports are sometimes described as collateral with the regular reports and to some extent that is the case—from Michaelmas, 1829 to Trinity, 1830, Tamlyn is collateral with Russell & Mylne—but Tamlyn partly fills a gap in the regular series. Daniell (*History of the Law Reports*, p. 37) says: "In 1829 an attempt was made by Mr. Tamlyn to report decisions at the Rolls in opposition to the regular reports of Russell & Mylne." The fact is that Russell, the predecessor of Russell & Mylne, broke off with the 1st and 2nd parts of his 5th volume, which contain only two decisions at the Rolls in 1829, and those in Hilary Term. Russell & Mylne report no Rolls cases before Michaelmas Term 1829. Tamlyn appropriates the first 176 pages of his volume to cases in Trinity Term 1829, and to that extent provides a useful supplement to the regular reports. The first part of Tamlyn was issued in September, 1829, and the volume in 1831; the first volume of Russell & Mylne in 1832. Tamlyn practically ends with Trinity Term 1830, though he adds one or two cases in Hilary 1831.

From the 'Advertisement' prefixed to the volume it appears that the Master of the Rolls commenced to sit in the daytime instead of the evening on June 22, 1829. Previously he never sat while the Chancellor was sitting, for the reason that he was supposed to sit as the Chancellor's deputy.

The general character of these reports is good.

#### *Reporter :—*

JOHN TAMLYN. Barrister Gray's Inn 1826; conveyancer and equity draftsman; author of several treatises on real property law and of one on the law of evidence with reference to the practice of the Court of Chancery; also of a Digest of the laws of Friendly Societies and Savings Banks (1827-1845). Died 1869.

#### *Judge reported :—*

Sir John Leach; see Appendix, p. 90.

**KEEN—Period, 1836—1838.**

Reports of cases in Chancery argued and determined in the Rolls Court during the time of Lord Langdale, Master of the Rolls. By BENJAMIN KEEN.

2 volumes, octavo, 1837—1839.

Reprinted in 48 English Reports. See also 44 Revised Reports.

These are the first of the separate series of regular reports at the Rolls, afterwards carried down by Beavan to the year 1866. Keen begins with the appointment of Lord Langdale as Master of the Rolls in January, 1836. Before that date the Rolls reports were included in the regular Chancery series, and Keen had reported for the latter, in conjunction with Mylne, from 1832 to 1835 (see Mylne & Keen, p. 44, above). Mylne and Keen were succeeded by Mylne & Craig, who included the latest decisions of Sir C. C. Pepys at the Rolls in their first volume only. Concurrently with volume 2 of Mylne & Craig (who thenceforward confined themselves to the Lord Chancellor's Court) Keen began his separate reports in the Rolls Court.

In consequence of Keen's illness his second volume was completed by Beavan from p. 553 ("Advertisement" to volume 2).

The accuracy of an individual report in 1 Keen is questioned in *Flower v. Hartopp* (1845), 8 Beav. 199, but the general character of Keen's reports is good.

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*Reporter :—*

BENJAMIN KEEN ; see Mylne & Keen, p. 44, *supra*.

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*Judge reported :—*

Lord Langdale (Henry Bickersteth) ; see Appendix, p. 80.

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**BEAVAN (Beav.)—Period, 1838—1866.**

Reports of cases in Chancery argued and determined in the Rolls Court during the time of Lord Langdale, M.R., and Sir John Romilly (afterwards Lord Romilly), M.R. By CHARLES BEAVAN.

36 volumes, octavo, 1840—1869.

Reprinted in 48—55 English Reports. See also 49 *et seq.* Revised Reports.

The first thirteen volumes of Beavan contain the decisions of Lord Langdale, M.R., volumes 14—36 those of Sir John Romilly, M.R., who succeeded Lord Langdale in April, 1851. The 36 volumes extend from Michaelmas Term, 1838, to Trinity, 1866, and contain about 1,750 cases. Beavan follows Keen as regular reporter at the Rolls (having also reported the cases in 2 Keen from p. 553), and is succeeded by and to some extent overlaps the Law Reports

Equity Cases, the first two volumes of which contain many of the cases in 35 Beavan. Volumes 31-36 are described in the title-page as "the authorized reports," and there is a special note as to their official authority opposite the table of cases in volumes 32-34. Volume 21 has a table of the cases reported in volumes 1-21 and volume 31 a table of those contained in volumes 22-31. Volume 36, which includes only five reported cases, has a table of the cases reported in the thirty-six volumes and a subject-index of their contents.

"I was rather surprised at the language attributed to Lord Langdale in *Taylor v. Heming* (4 Beavan, 235), which I think cannot be taken as the law of this court" (*per* Stuart, V.C., *Turner v. Burkinshaw* (1863), 4 Giffard, p. 402).

"With regard to that case (*Maddison v. Pye*, 32 Beavan, 656), I must say that I think it is a pity that cases which are to be reported at all should be reported as that was. The particular form of the will is not given, and there are no arguments or ever the name of the counsel engaged, and not a single authority is stated to have been cited. There is nothing to show whether the estate was charged with debts or legacies. Somebody must have told Mr. Beavan that such a case had occurred when he himself was not in court" (*per* Malins, V.C., *Scott v. Cumberland* (1874), Law Reports, 18 Equity, p. 584).

"There seems to be some mistake in the case of *Wilson v. Lady Dunsany* (18 Beavan, 293); it is unfortunate that the case was ever reported" (*per* Pearson, J., *re Kloebe* (1884), 28 Chancery Division, pp. 175, 176, 180).

"It is impossible not to wish that many of the cases in Beavan had not been reported; it is equally impossible to omit in the present edition cases which, though of little real importance, are good law so far as they go, and being once reported, stand as authority" (55 Revised Reports, *preface*, vi.; and see 92 Revised Reports, *preface*, v.).

"You can find authority for anything in Beavan" was a current saying among equity lawyers in our younger days" (a) (59 Revised Reports, *preface*, vi.).

"As lately as sixty years ago the total want of co-operation between the authorized reporters in the different Courts was capable of leading to strange omissions. At the end of *Marquis of Hertford v. Lord Louther* (1843, 7 Beavan, 107), is a note that the decision of the Master of the Rolls was affirmed by the Lord Chancellor; but no report of the hearing on appeal has been found. It is possible that Lord Lyndhurst's judgment added nothing material to Lord Langdale's. At this day reporters feel bound to enable the profession to form their own opinion in such matters" (64 Revised Reports, *preface*, v.).

The first case in Beavan, *Tullett v. Armstrong*, is an example of the copious report. Compare the report of the same case in 8 L. J. Ch. (N. s.) 19. In the preface to 113 Revised Reports Sir Frederick Pollock writes:—

"The close examination of the 'authorized' reports, which is a necessary part of our duty, continues to convince us that they were produced with much less careful supervision than their successors. Beavan's Reports, in particular, appear to have been worse and worse printed as they went on."

In the preface to 132 Revised Reports, the same writer speaks of "the mass of trivial and doubtful matter laboriously, but not always accurately, collected

(a) In earlier days a similar observation was made upon the Year Books: "L. C. J. Gibbs used to say that he could get authorities in the Year Books for any side in anything" (*per* Lord Lyndhurst, C., *Gray v. The Queen* (1844) 11 Clark and Fennelly, p. 441).

in Beavan's Reports." "A large proportion of these cases," he continues, "would certainly be thought unreportable at this day. Some, though not overruled, stand as much for warning as for example, and are acceptable only as they have been guarded by later judicial comment."

*Reporter :—*

CHARLES BEAVAN. Born 1805; died 1884. Twenty-second Wrangler, 1829; barrister Middle Temple 1830; bencher 1873; Examiner in the Court of Chancery 1866-1884.

Beavan claims the distinction of having produced the longest series of authorized reports ever published (36 Beavan, *preface*), though his right may be challenged by Moore's Privy Council and Indian Appeals. As authorized reporter, he was exclusively favoured by the judges with the loan of their written judgments, and he takes leave of the profession as "the last of the authorized reporters of the Court of Chancery" (*ib.*). At pp. (1) to (8) of volume 34 of his reports is a copy of a correspondence in 1865 between Mr. Beavan and the promoters of the Law Reports, in which he declines their terms of employment, and, with the sanction of Sir John Romilly, M.R., proposes to remain the only authorized reporter in the Rolls Court. In a letter of 2nd November, 1865, to Sir Fitzroy Kelly, the Chairman of the Council of Law Reporting, Sir John Romilly writes that he considers himself bound to furnish Mr. Beavan, exclusively, with copies of his written judgments and to correct the notes of his oral judgments, as Lord Langdale had done before him. On the appointment of Mr. Beavan in June, 1866, to the post of Examiner in the Court of Chancery, his reports came to an end.

*Judges reported :—*

Lord Langdale (Henry Bickersteth); see Appendix, p. 80.  
Lord Romilly (John Romilly); see Appendix, p. 94.

For other reports in the Rolls Court, see "Reports in all the Courts" in Part II of this work.

#### IV.—VICE-CHANCELLOR OF ENGLAND.

**MADDOCK (Madd.)**—*Period*, 1815—1822.

Reports of cases argued and determined in the Court of the Vice-Chancellor of England. By HENRY MADDOCK.

(volume 6 by Henry Maddock and Thomas Charles Geldart). 6 volumes, octavo, 1817—1829.

Of volume 6, pages 1—286 were edited by Geldart, from Maddock's notes, the rest was Geldart's own work ('advertisement' to volume 6). This volume was formerly cited separately as 'Maddock and Geldart,' but now generally as '6 Maddock.'

Reprinted in 56 English Reports. See also 15—23 Revised Reports.

These reports contain decisions of the Vice-Chancellors, Sir Thomas Plumer and Sir John Leach (Plumer, volumes 1 and 2; Leach, volumes 3-6). Maddock is the first reporter who devoted himself exclusively to the Vice-Chancellor's Court, and from him an unbroken series extends to the commencement of the Law Reports in 1865.

In the preface to volume 1 the author acknowledges the encouragement he has received from Sir Thomas Plumer.

For criticism of an individual report in Maddock, see *Chatteris v. Young*, 1 Simons & Stuart, 315, n.

The general character of Maddock's reports is *excellent*.

##### *Reporter :—*

HENRY MADDOCK. Barrister Lincoln's Inn 1801; equity draftsman; author of a *Treatise on the Principles and practice of the Court of Chancery* (3rd ed., 1837), "a work of solid and accurate learning" (Dictionary of National Biography, "Maddock"). Lord Campbell describes Maddock as "a most learned and honourable man" (*Chancellors*, 3rd edition, iv., 62, n.). He died in the West Indies in 1824.

THOMAS CHARLES GELDART. Born 1797; died 1877. Barrister Lincoln's Inn 1823; equity draftsman; Chancery Court at Lancaster; Master of Trinity Hall, Cambridge, from 1852; Vice-Chancellor of the University in 1853.

##### *Judges reported :—*

Sir Thomas Plumer; see Appendix, p. 93.

Sir John Leach; see Appendix, p. 90.



**SIMONS AND STUART (Sim. & St.)—Period, 1822—1826.**

Reports of cases decided in the High Court of Chancery. By

NICHOLAS SIMONS and JOHN STUART.

2 volumes, octavo, 1824—1827.

Reprinted in 57 English Reports. See also 24, 25 Revised Reports.

These reports succeed Maddock in the regular series of 'Vice-Chancellor' reports and comprise the decisions of Sir John Leach only. It has been said that they are as valuable for their brevity as for their law. For criticism of individual reports, see 2 Simons, 488, n.; *White v. Sharp*, 12 Meeson & Welsby, 714. The statement of the practice as to costs of motions by the Vice-Chancellor in 1823 (1 Simons & Stuart, 357) still holds good; see Seton, *Judgments*, 7th ed. 244-5.

The general character of these reports is good.

*Reporters :—*

NICHOLAS SIMONS. Born 1788; died 1870. Barrister Lincoln's Inn 1814; equity draftsman and conveyancer; Registrar of the Bankruptcy Court, Manchester, 1852-1863.

SIR JOHN STUART, Vice-Chancellor 1852-1871; see Appendix, p. 96.

*Judge reported :—*

Sir John Leach; see Appendix, p. 90.

**SIMONS (Sim.)—Period, 1826—1850.**

Reports of cases decided in the High Court of Chancery. By

NICHOLAS SIMONS.

17 volumes, octavo, 1829—1854.

Reprinted in 57-60 English Reports. See also 27 *et seq.* Revised Reports.

**SIMONS, NEW SERIES (Sim. (N. S.))—Period, 1850—1852.**

Reports of Cases decided in the High Court of Chancery. By

NICHOLAS SIMONS.

2 volumes, octavo, 1851, 1852.

Reprinted in 61 English Reports. See also 89 Revised Reports.

Of the earlier series, cited as "Simons," volume 1 contains (pp. 1-293) the decisions of Sir John Leach as Vice-Chancellor of England, the remaining decisions being those of Sir Anthony Hart. In volume 2 is found one decision of Sir John Leach (pp. 1-7) and some of Sir Anthony Hart (pp. 7-41). The rest of the cases in the

seventeen volumes were decided by Sir Lancelot Shadwell, the last Vice-Chancellor of England, except two by Vice-Chancellor Lord Cranworth and two by Vice-Chancellor Kindersley in volume 17. The last volume consists of 249 pages only, of which the first 166 are reports by Simons, the remainder being edited from his notes by Drewry (note, opposite table of cases). Volume 17 was published four years after volume 16 and after Simons, New Series.

"The case of *Field v. Evans* (15 Simons, 375), as reported by Mr. Simons, considering the general value and accuracy of his reports, is not to be disregarded as an authority on slight grounds. But . . ." (per Stuart, V.C., *Baker v. Bradley* (1854), 2 Smale & Giffard, p. 561).

It will be remembered that the Vice-Chancellor had in earlier days assisted Simons in producing the reports which bear their names (see Simons & Stuart, above). In the present case, notwithstanding his testimony to the general good character of Simons' reports, the Vice-Chancellor was constrained to criticize. In *United Mining, etc. Corporation v. Becher* ([1910] 2 K. B., at p. 306), Hamilton, J., commenting upon *Pearl v. Bushell* (2 Sim. 38), said: "No authority whatever was cited before the Vice-Chancellor, and the report of the case is said by Mr. Simons to be *ex relatione* some person whose name he does not give." For other criticisms of individual reports of Simons, see *Bain v. Sadler* (1871), 19 Weekly Reporter, 1077; *Re Illidge* (1884), 27 Chancery Division, p. 484; see also 60 Revised Reports, preface, p. v.

*Meredith v. Heneage* (1824), an appeal to the House of Lords from the equity side of the Exchequer, on a question of precatory trust, is reported, 1 Simons, 542, and was not at the time reported elsewhere, though Sugden ("Law of Property," p. 389) refers to it as "one of the most embarrassing cases that ever called for a judicial decision." It was afterwards reported in 10 Price, 306.

Volume 1 of Simons, New Series, contains the earliest decisions of Lord Cranworth as Vice-Chancellor, and these are continued as far as page 91 of volume 2, the remaining cases in the latter volume being decisions of Vice-Chancellor Kindersley. Volume 1 consists of 648 pages, volume 2 of 306 only. According to a note prefixed to volume 2, the cases from page 192 to the end were reported by Drewry, who succeeded Simons as reporter in Vice-Chancellor Kindersley's court.

The general character of Simons' reports is good; that of Drewry's not so good.

*Reporters :—*

NICHOLAS SIMONS; see Simons & Stuart, *supra*.

CHARLES STEWART DREWRY; see Drewry, *infra*.

*Judges reported :—*

Sir John Leach; see Appendix, p. 90.

Sir Anthony Hart; see Appendix, p. 87.

Sir Lancelot Shadwell; see Appendix, p. 96.

Lord Cranworth (Robert Monsey Rolfe); see Appendix, p. 93.

Sir Richard Torin Kindersley; see Appendix, p. 88.

**DREWRY (Drew.)—Period, 1852—1859.**

Reports of cases decided in the High Court of Chancery.

By CHARLES STEWART DREWRY.

4 volumes, octavo, 1858—1860.

Reprinted in 61, 62 English Reports. See also 94, 100, 106, 118 Revised Reports.

Drewry had previously assisted as reporter in Vice-Chancellor Kindersley's Court (see 'Simons,' above), and now succeeded to the post of regular reporter there. Kindersley's decisions were worth recording, but his reporter's work was not very well done, and the contemporary reports in the Jurist have been preferred. Drewry is said to have omitted some important cases.

*Reporter :—*

CHARLES STEWART DREWRY. Born 1805; died 1881. Barrister Inner Temple 1836; conveyancer and equity draftsman; author of a treatise on Patent Law, 1838, of another on Injunctions, 1841 (Supplement thereto, 1849), Concise treatise on equity pleading, 1858, Forms of claims and defences in the Chancery Division, 1876, Law of Trade Marks, 1878.

*Judge Reported :—*

Sir Richard Torin Kindersley; see Appendix, p. 88.

**DREWRY AND SMALE (Drew. & Sm.)—Period, 1859—1865.**

Reports of cases decided in the High Court of Chancery.

By CHARLES STEWART DREWRY and JOHN JACKSON SMALE.

2 volumes, octavo, 1862—1867.

Reprinted in 62 English Reports. See also 127 Revised Reports.

From a note prefixed to 4 Drewry it appears that the cases in that volume from page 425 were reported by Drewry & Smale, who then became the regular reporters in Vice-Chancellor Kindersley's court. Their reputation as reporters is much the same as Drewry's—not very good.

Volume 1 consists mainly of cases from Hilary Term, 1860, to Trinity, 1861. Michaelmas Term, 1861, seems to have been somewhat neglected. Chronological arrangement is not observed in volume 2. The year 1864 is represented by cases in Michaelmas Term only, and the latest cases reported are in Trinity, 1865. In a note prefixed to volume 2 it is stated that the reports were conducted by C. S. Drewry and P. M. Leonard from Michaelmas Term, 1862, to the sittings after Trinity Term, 1864, inclusive.

The regular reports of this series are thus brought down to the year 1865, when the Law Reports commence.

The sequence of judges from Kindersley, V.-C., is as follows: Malins, V.-C.; Fry, J.; Pearson, J.; North, J.; Cozens-Hardy, J.; Cozens-Hardy & Farwell, JJ. (linked judges); Farwell & Swinfen Eady, JJ.; Swinfen Eady & Neville, JJ.

*Reporters :—*

CHARLES STEWART DREWRY ; see 'Drewry,' *supra*.

JOHN JACKSON SMALE. Born 1834 ; died 1891. Barrister Lincoln's Inn 1856 ; conveyancer and equity draftsman ; reported Chancery appeal cases for the Law Reports from 1886.

PATRICK MARCELLINUS LEONARD. Born 1821 ; died 1901. Barrister Lincoln's Inn 1847 ; conveyancer and equity draftsman ; author of *Precedents of equity pleadings in the County Courts*, 1869. County Court Judge, 1874—1896.

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*Judge reported :—*

Sir Richard Torin Kindersley ; see Appendix, p. 88.

**V.—VICE-CHANCELLORS KNIGHT-BRUCE,  
PARKER AND STUART.**

**YOUNGE AND COLLYER, CHANCERY CASES (Y. & C.)—  
Period, 1841—1848.**

Reports of cases decided in the High Court of Chancery, by  
the Right Hon. Sir J. L. Knight-Bruce, Vice-Chancellor.  
By EDWARD YOUNGE and JOHN COLLYER.

2 volumes, octavo, 1848, 1844.

Reprinted in 62, 68, English Reports. See also 57, 60 Revised  
Reports.

These volumes contain rather less than two hundred decisions of  
Sir J. L. Knight-Bruce pronounced during the earlier period of his  
Vice-Chancellorship. They form the commencement of the separate  
series of reports in the Vice-Chancellor's Courts which were brought  
into existence by the appointment of two additional Vice-Chancellors  
(making three in all) under the Act 5 Vict. c. 5. This particular  
series was continued under the succeeding Vice-Chancellors (Parker  
and Stuart), and ended in the time of the last-named Judge with  
the reports of Giffard, and subsequently became merged in The  
Law Reports.

Younge and Collyer's Reports bear a good reputation for  
accuracy.

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*Reporters :—*

EDWARD YOUNGE. Born 1794; died 1858. Barrister Middle  
Temple 1823; equity draftsman and conveyancer; Oxford Circuit;  
Clerk of Inrolments in Chancery; Author of *Tithe Cases* 1204—  
1825 (Eagle & Younge); *Exchequer and Exchequer Chamber*  
*Reports* 1824, 1825 (McClelland & Younge); the like 1826—1830  
(Younge & Jervis); *Exchequer (Equity) Reports* 1830—1832; the  
like 1833—1841 (Younge & Collyer).

JOHN COLLYER. Born 1801; died 1870. Barrister Lincoln's  
Inn 1827; Commissary of Norwich 1842; Judge of County Courts  
1847—1870. Author of a treatise on the Law of Partnership,  
which ran through several editions.

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*Judge reported :—*

Sir James Lewis Knight-Bruce; see Appendix, p. 89.

**COLLYER, CHANCERY CASES (Coll. C. R.)—Period, 1844—1846.**

Reports of cases decided in the High Court of Chancery, by the Right Hon. Sir J. L. Knight-Bruce, Vice-Chancellor. By JOHN COLLYER.

2 volumes, octavo, 1845, 1847.

Reprinted in 68 English Reports. See also 66, 70 Revised Reports.

These volumes, in succession to 'Younge and Collyer,' contain decisions of Vice-Chancellor Knight-Bruce from Hil. Term 1844 to Mich. Term 1846, somewhat over two hundred in number.

The learned editor of the Revised Reports points out (68 E. R. p. pref.) that the early Victorian reports are not always to be quoted without criticism and collation, as illustrated by the case of *Thwaite v. Foreman* and *Smith v. Green* in 1 Collyer, at p. 433 and 555 respectively. From the former decision there was an appeal to the Lord Chancellor heard in 1847 and reported only in the Jurist (10 Jur. 484)—this, of course, is not a reflection on Collyer; the report of *Smith v. Green* is supplemented by a note in 2 Collyer, at p. 626.

These reports, like their immediate precursors, bear a good reputation.

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*Reporter :—*

John Collyer, see 'Younge and Collyer,' *supra*.

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*Judge reported :—*

Sir James Lewis Knight-Bruce; see Appendix, p. 89.

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**DE GEX AND SMALE (De G. & S.)—Period, 1846—1852.**

Reports of cases decided in the High Court of Chancery, by the Right Hon. Sir J. L. Knight-Bruce, Vice-Chancellor, and by Vice-Chancellor Sir James Parker. By JOHN P. DE GEX and JOHN SMALE.

5 volumes, octavo, 1849—1853.

Reprinted in 63, 64 English Reports. See also 75, 79, 84, 87, 90 Revised Reports.

These reports are in continuation of those by Collyer, who is, indeed, responsible for the first 124 pages of 1 De Gex and Smale (see prefatory note to volume 1). The first four volumes contain the decisions of Sir J. L. Knight-Bruce until his appointment to the office of Lord Justice, in October 1851; the fifth volume, the decisions of Vice-Chancellor Parker.

It appears from Memoranda prefixed to volume 4 that Vice-Chancellor Knight-Bruce for the last two or three months before the long vacation of 1850, attended to the business of his two brother

Vice-Chancellors, who were ill, as well as to his own, and that he was complimented on the fact by the Attorney-General on behalf of the Bar at the rising of the Court on the last day of the sittings. Vice-Chancellor Parker lived only for one year after his appointment, and died at the age of forty-nine in August, 1852. A note at the commencement of volume 5 states that his judgments from pp. 1-283 were revised by himself, and those which were in writing had been, throughout the volume, printed from his manuscripts.

These reports have a good reputation, but perhaps rank not as high as the best, owing to inequality in the reporters. De Gex was an excellent reporter. Smale not quite so good.

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*Reporters :—*

SIR JOHN PETER DE GEX ; see De Gex, Macnaghten and Gordon, p. 48, *supra*.

SIR JOHN SMALE. Born 1805 ; died 1882. Barrister Inner Temple 1842 ; conveyancer and equity draftsman ; Attorney-General of Hong Kong 1860 ; Chief Justice of Hong Kong 1866.

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*Judges reported :—*

Sir James Lewis Knight-Bruce ; see Appendix, p. 89.

Sir James Parker, Vice-Chancellor ; see Appendix, p. 91.

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**SMALE AND GIFFARD (Sm. & G.).—Period, 1852—1857.**

Reports of cases adjudged in the High Court of Chancery, by the Vice-Chancellor Sir John Stuart. By JOHN SMALE and J. W. DE LONGUEVILLE GIFFARD.

8 volumes, octavo, 1855—1858.

Reprinted in 65 English Reports. See also 96, 97, 107 Revised Reports.

These volumes are in continuation of De Gex and Smale, and comprise exclusively the decisions of Vice-Chancellor Stuart. In the case of *Brook v. Brook* (3 Sm. & G. 481), the Vice-Chancellor called upon Mr. Justice Cresswell to assist him with a judicial opinion as to the validity of a foreign marriage contracted by British subjects (see 14 & 15 Vict. c. 83, s. 8).

Some practice cases will be found at the beginning of volume 1 and at the end of volumes 1 and 2.

Following the table of cases in volume 3 is a list showing which of the decisions were appealed from and the results.

These reports do not bear a first-rate reputation. It is said that important cases were omitted, for which reference had to be made to *The Jurist* ; but it should be noted that additional cases from 1856 to 1858 are to be found in volumes 1 and 2 of Giffard, who continued the series alone. In the report of *Parnell v. Hingston* (1856), 3 Sm. & G., at p. 338, words are omitted ; these are made good from *The Weekly Reporter*, in 107 Revised Reports, at p. 107.

*Reporters :—*

SIR JOHN SMALE ; see De Gex and Smale.

JOHN WALTER DE LONGUEVILLE GIFFARD. Born 1817 ; died 1888. Barrister Inner Temple 1843 ; Judge of County Courts 1875—1888. Reported alone in V.-C. Stuart's Court from 1857 to 1865 (see *infra*, 'Giffard'). Reported Chancery Appeal cases for the Law Reports, from 1866.

*Judge reported :—*

Sir John Stuart ; see Appendix, p. 96.

**GIFFARD (GIF.)—Period, 1857—1865.**

Reports of cases adjudged in the High Court of Chancery, by the Vice-Chancellor Sir John Stuart. By J. W. DE LONGUEVILLE GIFFARD.

5 volumes, octavo, 1860—1871.

Reprinted in 65, 66 English Reports. See also 114 *et seq.* Revised Reports.

In these volumes the decisions of Vice-Chancellor Stuart are reported in continuation of Smale and Giffard, and the first two volumes contain cases belonging in point of time to the earlier set of reports. In these two volumes the cases are not in strict chronological order, but in volumes 3 and 4 the arrangement is more regular. Volume 5 contains only sixty pages of reports, and is, in fact, but a supplement to volume 4, covering part of the same period (1863—1865). The rest of volume 5 is made up of a digest of the cases in Smale and Giffard and Giffard. Volume 1 alone contains, at the foot of the table of cases, a list of decisions appealed from and the results.

In *Scott v. Corporation of Liverpool* (1858), 1 Giff. 216, Mr. Justice Erle sat with the Vice-Chancellor (see 14 & 15 Vict. c. 83, s. 8).

These reports are not generally considered to stand in the first rank.

Giffard carries the series which begins with Vice-Chancellor Knight-Bruce down to the commencement of the Law Reports, where the subsequent decisions of Vice-Chancellor Stuart will be found.

The sequence of Judges from Vice-Chancellor Stuart is as follows :—Hall, V.-C. ; Kay, J. ; Stirling, J. ; Farwell, J (a).

*Reporter :—*

JOHN WALTER DE LONGUEVILLE GIFFARD ; see Smale & Giffard, *supra*.

*Judge reported :—*

Sir John Stuart ; see Appendix, p. 96.

(a) In November, 1886, Kay, J., succeeded Bacon, V.C., and thus became one of another sequence of Judges : see Hemming & Miller, p. 73, *infra*. Upon the system of linked Judges being established in January, 1901, Mr. Justice Farwell's cases were divided between the three divisions then formed and that Judge with Mr. Justice Cozens-Hardy became the linked Judges of a division.



## VI.—VICE-CHANCELLORS WIGRAM, TURNER AND WOOD.

**HARE (Ha.)**—*Period, 1841—1853.*

Reports of cases adjudged in the High Court of Chancery before the Right Hon. Sir James Wigram, Vice-Chancellor; the Right Hon. Sir George James Turner, Vice-Chancellor, and Sir William Page Wood, Vice-Chancellor. By THOMAS HARE.

11 volumes, octavo, 1848—1858.

Reprinted in 66—68 English Reports. See also 58, 62, 64, 67, 71, 77, 82, 85, 89, 90 Revised Reports.

These volumes contain the decisions of Vice-Chancellor Wigram from his appointment as an additional Vice-Chancellor in 1841 to his resignation in 1850 (volumes 1 to 8, the last-named containing a few cases of Knight-Bruce, V.-C., sitting for Wigram, V.-C.); of Vice-Chancellor Turner from 1851 until his appointment as Lord Justice in 1853 (volume 9 and volume 10 to p. 330, and see p. 429); of Vice-Chancellor Wood, afterwards Lord Hatherley, in 1853 only (volume 10 from p. 331 and volume 11).

Appendixes to volumes 9 and 10 contain reports of cases on Chancery procedure. In a preface to volume 11 the reporter gives an historical account of the important alterations in Chancery procedure which had taken place during the period covered by his reports, and the same volume contains a complete table of cases reported and an index of principal matters in the 11 volumes. Each volume down to No. 10 contains a separate table of cases reported, and memoranda of judicial and other appointments are found in volumes 1 to 9.

Referring to Lord St. Leonards, the learned editor of the Revised Reports describes Vice-Chancellor Wigram as hardly a less eminent judge on his own special ground, and adds: "Hare's reports of his judgments are among those most esteemed by equity lawyers" (58 R. R. pref., v.). The same authority considers that Hare did not edit the judgments of Vice-Chancellor Wood with the same artistic skill and freedom as his successor, Mr. Hemming, and refers to the judgment in *Blessit v. Daniel* (10 Hare, 493) as enormously long, though containing valuable matter in solution (90 R. R. pref., v.).

Hare's reports of cases adjudged by Wigram "rank as high authorities" (Dict. Nat. Biog., art. "Thomas Hare").

In the case of *Walker v. Jeffreys* (1 Hare, 341), the arguments of counsel are given in the unaccustomed form of a synopsis.  
The general reputation of these reports is *excellent*.

*Reporter :—*

THOMAS HARE. Born 1806 ; died 1891. Barrister Inner Temple 1833 ; bench 1872. Pupil of James Wigram, whose decisions as Vice-Chancellor he afterwards reported (Wigram on Discovery (1836), p. 1, note. Wigram commends Hare's treatise on the same subject (*ib.*)). Reported in conjunction with Nicholl and Carrow 'Railway and Canal Cases,' 1835—42 (see Vols. 1, 2). Inspector of Charities 1853, and later, Assistant Charity Commissioner. Distinguished as the author of a work on Parliamentary and Municipal representation, which passed through four editions.

*Judges reported :—*

Sir James Wigram ; see Appendix, p. 100.  
Sir George James Turner ; see Appendix, p. 99.  
Sir William Page Wood ; see Appendix, p. 101.

**KAY.**—*Period, 1853, 1854.*

Reports of cases adjudged in the High Court of Chancery before Sir William Page Wood, Vice-Chancellor. By EDWARD E. KAY.

1 volume, octavo, 1854.

Reprinted in 69 English Reports. See also 101 Revised Reports.

These decisions of Vice-Chancellor Wood succeed Hare's reports, and are continued in and after 1855 by Kay in collaboration with Johnson. An appendix to the present volume contains the decisions of the Vice-Chancellor on points of Chancery procedure. Opposite the table of cases at the commencement of the book is a list of those appealed, with the results. At the end is an index of principal matters.

The character of these reports is *excellent*.

*Reporter :—*

THE RT. HON. SIR EDWARD EBENEZER KAY. Born 1822 ; died 1897. Barrister Lincoln's Inn 1847 ; Q.C. 1866 ; bench 1867 ; Chancery Judge 1881 ; Lord Justice 1890 (see Dictionary of National Biography, Supplement, iii., 56). Kay continued to report in Vice-Chancellor Wood's Court in conjunction with H. R. Vaughan Johnson from 1854 to 1858 (see Kay and Johnson, *infra*).

*Judge reported :—*

Sir William Page Wood ; see Appendix, p. 101.

**KAY AND JOHNSON (Kay & J.)—Period, 1854—1858.**

Reports of cases adjudged in the High Court of Chancery before Sir William Page Wood, Vice-Chancellor. By EDWARD E. KAY and HENRY R. VAUGHAN JOHNSON.

4 volumes, octavo, 1855—1859.

Reprinted in 69, 70 English Reports. See also 108, 110, 112, 116 Revised Reports.

Except for one case in December, 1853 and a few (pp. 4—22) in Trinity Term, 1854, Kay and Johnson commence with Michaelmas Term, 1854.

These reports bear the same excellent character as the last.

*Reporters :—*

SIR EDWARD EBENEZER KAY; see 'Kay,' *supra*.

HENRY ROBERT VAUGHAN JOHNSON. Born 1820; died 1899. Barrister Lincoln's Inn, 1848; conveyancing counsel of the Court from 1862. Reported in Vice-Chancellor Wood's Court alone from 1858 to 1859, and in conjunction with G. W. Hemming from 1859 to 1862 (see 'Johnson,' and 'Johnson and Hemming,' *infra*). Principal secretary to Lord Campbell, 1859—1861.

*Judge reported :—*

Sir William Page Wood; see Appendix, p. 101.

**JOHNSON (John.)—Period, 1858—1860.**

Reports of cases adjudged in the High Court of Chancery before Sir William Page Wood, Vice-Chancellor. By HENRY ROBERT VAUGHAN JOHNSON.

1 volume, octavo, 1860.

Reprinted in 70 English Reports. See also 123 Revised Reports.

In a note prefixed to this volume it is stated that the cases after 18th June, 1859 (*i.e.* from p. 359, a few cases excepted), have been reported by Mr. G. W. Hemming, who in conjunction with Johnson will continue the series.

The volume contains a table of cases and index of principal matters.

The high character of the series is preserved by Johnson.

*Reporters :—*

HENRY ROBERT VAUGHAN JOHNSON ; see 'Kay & Johnson,' *supra*.

GEORGE WIRGMAN HEMMING ; see 'Johnson & Hemming,' *infra*.

*Judge reported :—*

Sir William Page Wood ; see Appendix, p. 101.

**JOHNSON AND HEMMING (John. & H.)—Period, 1859—1862.**

Reports of cases adjudged in the High Court of Chancery before Sir William Page Wood, Vice-Chancellor. By HENRY ROBERT VAUGHAN JOHNSON and GEORGE W. HEMMING.

2 volumes, octavo, 1861—1863.

Reprinted in 70 English Reports. See also 128 *et seq.* Revised Reports.

These volumes are uniform with the earlier ones of the series, and bear the same excellent character, Hemming's work as a reporter deserving especial praise (see *e.g.* under "Harc," *supra*). In delivering judgment the Vice-Chancellor, besides being diffuse, often failed to finish his sentences, so that the reporter had to construct as well as to report.

*Reporters :—*

HENRY ROBERT VAUGHAN JOHNSON ; see 'Kay & Johnson,' *supra*.

GEORGE WIRGMAN HEMMING. Born 1821 ; died 1905 ; Senior Wrangler, 1844. Barrister Lincoln's Inn, 1850 ; bencher, 1876 ; treasurer, 1897 ; junior equity counsel to the Treasury, 1871 ; Q.C. 1875 ; Official Referee, 1887. Reported with Miller in Vice-Chancellor Wood's Court, 1862—1865 ; subsequently editor of Chancery cases in the Law Reports (see *Dict. Nat. Biog.*).

*Judge reported :—*

Sir William Page Wood ; see Appendix, p. 101.

**HEMMING AND MILLER (Hem. & M.)—Period, 1862—1865.**

Reports of cases adjudged in the High Court of Chancery before Sir William Page Wood, Vice-Chancellor. By

GEORGE W. HEMMING and ALEXANDER EDWARD MILLER.

2 volumes, octavo, 1864—1866.

Reprinted in 71 English Reports.

Hemming and Miller maintain the high standard of the previous volumes and bring the cases down to Trinity Term, 1865. In the

following term the decisions of Vice-Chancellor Wood appear in The Law Reports. Each volume contains a table of cases and index of principal matters.

The sequence of judges from Vice-Chancellor Wood is as follows : Giffard, V.-C. ; James, V.-C. ; Bacon, V.-C. ; Kay, J. ; Kekewich, J. ; Kekewich and Joyce, JJ. (linked Judges) ; Joyce and Eve, JJ.

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*Reporters :—*

GEORGE WINGMAN HEMMING ; see 'Johnson & Hemming,' *supra*.

SIR ALEXANDER EDWARD MILLER, K.C.S.I. Born 1828 ; died 1903. Barrister Lincoln's Inn, 1854 ; Q.C. 1872. Successively, Legal Member of the Railway Commission, Master in Lunacy, Legal Member of the Indian Council, Examiner to the Council of Legal Education, Examiner in Equity and Real Property in the University of London. Called to the Irish Bar in 1897.

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*Judge reported :—*

Sir William Page Wood ; see Appendix, p. 101.

## VII.—VICE-CHANCELLORS—COLLATERAL REPORTS.

### **HOLT, EQUITY (Holt, Eq.)—Period, 1845.**

Equity reports, containing the reports in the Courts of His Honour the Vice-Chancellor of England, His Honour, Vice-Chancellor Sir J. L. Knight-Bruce, and His Honour Vice-Chancellor Sir James Wigram. Edited and arranged by WILLIAM HOLT.

2 volumes, octavo, 1845.

Reprinted in 71 English Reports. See also 17 Revised Reports.

These reports extend only to Easter and Trinity Terms (with one case in Hilary Term) 1845, and are contemporary with the following reports in the regular series: 14, 15, Simons (V.-C. of England); 2 Collyer Ch. Ca. (V.-C. Knight-Bruce); 4 Hare (V.-C. Wigram). The preface to 1 Holt is dated 17th May, 1845, and, as the volume consists almost entirely of cases decided in Easter Term of that year, great speed is shown in preparation. The second volume, comprising cases of Easter and Trinity Terms 1845 was also published promptly, for the preface announces the intention of including in the next volume, to be published early in December, cases in the Courts of the Lord Chancellor and Master of the Rolls. The promised volume was never issued, and the series came to an end with the second volume.

"These volumes contain many cases not given by other reporters who cover the same year" (Soule, *Lawyer's Manual*, p. 83).

Holt's equity reports are little known at the present day, and the original issue is scarce. They were doubtless of value at the time of publication as affording early notice of decisions (a). Foot-notes on law and practice are added to some of the cases. Both volumes contain tables of cases reported and cases cited and an index of principal matters. Volume 1 contains the general Orders of 8th May,

(a) The publication seems to have been a failure nevertheless. It may be that, as has happened in other cases, the unsold copies of the work were destroyed on failure to find a market, and that the scarceness of copies at the present time is thus accounted for. Under such circumstances the present demand of those who wish to complete a collection of reports enhances the value. The market price of Holt's Equity Reports, notwithstanding the reprint in *The English Reports*, was in 1908 about £8.

1845, and some of the statutes referred to in the cases are set out at length at the end of the book.

Holt acted as editor, and was assisted by the following reporters : V.-C. of England's Court, F. H. Clarke ; V.-C. Knight-Bruce's Court, J. Snow and H. P. Rushe ; V.-C. Wigram's Court, O. Round and R. S. White. In volume 2 Holt takes the place of Snow.

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*Reporters :—*

**WILLIAM HOLT.** Born 1830 ; died 1870 (?). Barrister Inner Temple 1844. Author of 'Admiralty Court Cases on the rule of the road,' 1867.

**FREDERICK HODGSON CLARKE.** Born 1810 ; died 1851. Barrister Lincoln's Inn, 1836.

**JOHN PENNELL SNOW.** Born 1821 ; died 1860 (?). Barrister Lincoln's Inn 1848.

**HENRY PHILIP ROCHE.** Born 1811 ; died 1875. Barrister Lincoln's Inn 1848 ; Registrar of the London Court of Bankruptcy 1861. Author with Hazlitt of the following works : Treatise on the Law of Maritime Warfare, 1854 ; The Bankruptcy Act, 1861 ; The Bankruptcy Act, 1869. Employed by Sir Richard Bethell, afterwards Lord Westbury, in drafting Government Bills.

**OLIVER STEPHEN ROUND.** Born 1813 ; died 1885. Barrister Lincoln's Inn 1839 ; equity draftsman and conveyancer. Author of a Treatise on Domicile, 1861 ; Law of Lien, 1863 ; Riparian Rights, 1869.

**RICHARD SAMUEL WHITE.** Born 1817 ; died 1846. Barrister Lincoln's Inn 1843.

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*Judges reported :—*

Sir Lancelot Shadwell ; see Appendix, p. 96.

Sir James Lewis Knight-Bruce ; see Appendix, p. 89.

Sir James Wigram ; see Appendix, p. 100.

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For other Reports in the Vice-Chancellor's Courts see "Reports in all the Courts," Part II of this work.

## APPENDIX.

### BIOGRAPHICAL NOTES OF JUDGES.

#### CHANCERY JUDGES

AND A FEW OTHERS, BEING CHIEFLY MEMBERS OF THE JUDICIAL  
COMMISSION OF THE PRIVY COUNCIL.

#### CHRONOLOGICAL TABLE OF CHANCERY JUDGES

FROM THE TIME OF LORD THURLOW TO THE COMMENCEMENT OF  
THE LAW REPORTS IN 1865.

#### I. LORD CHANCELLOR AND LORDS COMMISSIONERS OF THE GREAT SEAL.

Date of Appointment	Name or title.
1778 June 3	Lord Thurlow, Chancellor.
1783 April 9	Lord Loughborough (C.J. Com. Pleas), Ashurst J., and Hotham, B., Commissioners.
" Dec. 23	Lord Thurlow, Chancellor.
1792 June 15	Eyre, C.B., Ashurst, J., and Wilson, J., Com- missioners.
1793 Jan. 28	Lord Loughborough, Chancellor.
1801 April 14	Lord Eldon, Chancellor.
1806 Feb. 7	Lord Erskine, Chancellor.
1807 April 1	Lord Eldon, Chancellor.
1827 May 2	Lord Lyndhurst, Chancellor.
1830 Nov. 22	Lord Brougham, Chancellor.
1834 Nov. 22	Lord Lyndhurst, Chancellor.
1835 April 23	Sir Charles Christopher Pepys, M.R. (afterwards Lord Cottenham), Shadwell, V.C., and Bosan- quet, J., Commissioners.
1836 Jan. 16	Lord Cottenham, Chancellor.
1841 Sept. 3	Lord Lyndhurst, Chancellor.
1846 July 6	Lord Cottenham, Chancellor.
1850 June 19	Lord Langdale, M.R., Shadwell, V.C., and Rolfe, B. (afterwards Lord Cranworth), Commissioners.



Date of Appointment.	Name or title.
1850 July 15	Lord Truro, Chancellor.
1852 Feb. 27	Lord St. Leonards, Chancellor.
1852 Dec. 28	Lord Cranworth, Chancellor.
1858 Feb. 14	Lord Chelmsford, Chancellor.
1859 June 11	Lord Campbell, Chancellor.
1861 June 11	Lord Westbury, Chancellor.
1865 July 7	Lord Cranworth, Chancellor.

## II. LORDS JUSTICES.

1851 Oct. 8	Sir James Lewis Knight-Bruce	Lord Cranworth.
1853 Jan. 10		Sir George James Turner.

## III. MASTERS OF THE ROLLS.

1764 Dec. 4	Sir Thomas Sewell.
1784 Mar. 30	Sir Lloyd Kenyon (afterwards Lord Kenyon).
1788 June 4	Sir Richard Pepper Arden (afterwards Baron Alvanley, and later Earl of Rosslyn).
1801 May 27	Sir William Grant.
1818 Jan. 6	Sir Thomas Plumer.
1824 April 5	Lord Gifford.
1826 Sept. 14	Sir John Singleton Copley (afterwards Lord Lyndhurst).
1827 May 3	Sir John Leach.
1834 Sept. 29	Sir Charles Christopher Pepys (afterwards Lord Cottenham).
1836 Jan. 19	Lord Langdale.
1851 Mar. 28	Sir John Romilly (afterwards Lord Romilly).

## IV. VICE-CHANCELLORS.

1813 April 14	Sir Thomas Plumer.	} Vice-Chancellors of England.	
1818 Jan. 13	Sir John Leach.		
1827 May 1	Sir Anthony Hart.		
1827 Nov. 1	Sir Lancelot Shadwell.		
1841 Oct. 28		Sir James Lewis Knight-Bruce.	Sir James Wigram.
1850 Nov. 2	Sir Robert Monsey Rolfe, B. (afterwards Lord Cranworth).		
1851 Mar. 28			Sir George James Turner.
1851 Oct. 8	Sir Richard Torin Kin- dersley.	Sir James Parker.	
1852 Sept. 20		Sir John Stuart.	
1853 Jan. 10			Sir William Page Wood (afterwards Lord Hatherley).

## BIOGRAPHICAL NOTES OF JUDGES.

**ALVANLEY, LORD.** See Arden.

**ARDEN, RICHARD PEPPER, LORD ALVANLEY (1745—1804).**

Master of the Rolls, 1788—1801; Chief Justice of the Common Pleas, 1801—1804.

"A very experienced Judge in equity, with reference to whom I may say, his judgments will be read and valued as producing great information and instruction to those who may practise in courts of equity in future times" (*per* Lord Eldon, C., 15 Ves. 347). Foss considers that Lord Alvanley's judgments were by far the best that were pronounced in the Court of Chancery during the period in which he sat, which awards him superior merit to Lord Thurlow and Lord Loughborough, and this opinion is confirmed by Lord Campbell as regards Lord Loughborough (*Campbell, Chancellors*, vi., 237). It may be questioned whether Lord Alvanley as a Judge can be placed as high as Lord Thurlow.

"It would savour of undue panegyric to rank Lord Alvanley among the great English judges; that he occupied a highly respectable second place is the just tribute of truth" (Townsend, *Lives of twelve eminent judges*, i., 159).

Lord Alvanley's decisions are reported, as Master of the Rolls, in *Dickens, Brown's Chancery Cases*, *Cox, and Vesey junior*; as Chief Justice of the Common Pleas, in *Bosanquet and Puller*.

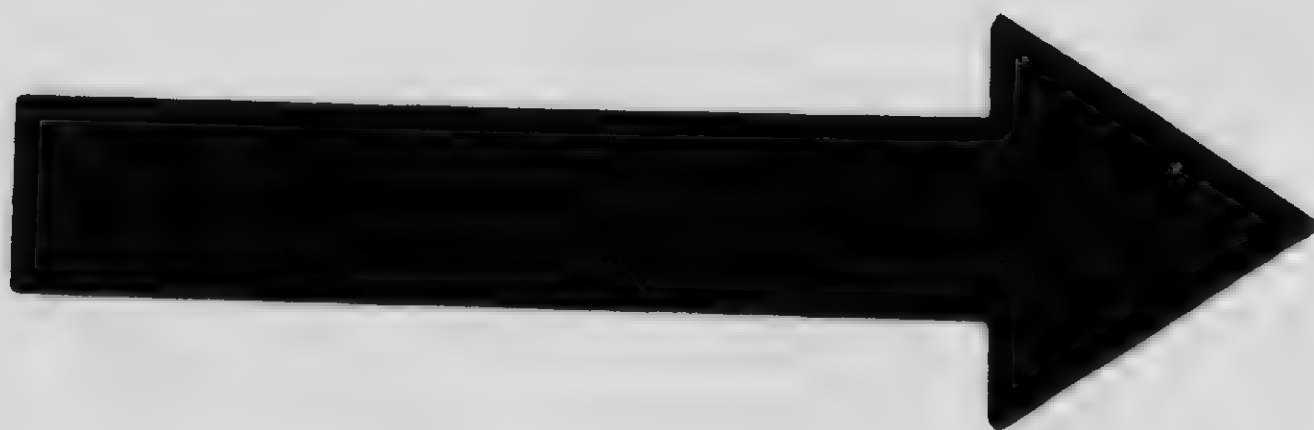
**BETHELL, RICHARD, LORD WESTBURY (1800—1873).**

Lord Chancellor, 1861—1865.

A great judge and a great law reformer.

"The speeches of Sir Richard Bethell at the bar, and of Lord Westbury on the Chancery bench and on the Woolsack, were utterances of the highest merit looked at from a legal point of view—that is, the point of view which recognizes coherent logic, and clear, complete expression as the first requisites, and all sensational colouring as likely to distract attention and lead the reason to illegitimate results. They would not have had much effect upon juries. . . . There are a number of his opinions on points of strict law that are marvels of metaphysics—legal exposition. They weigh the pros and cons, meet the difficulties, eliminate the fallacies and expound the principles—or more probably principle, for he struggled always to arrive at one principle if possible—of decision, in the clearest and fewest words, in a style of English so perfect that it seems impossible to improve it by transposition or alteration, by subtraction or addition" (John Campbell Smith, *Writings by the way* (1885), pp. 403, 406).

"Lord Westbury's judgments are remarkable for their omission of reference to decided cases. In them broad principles and doctrines are asserted and legal heresies are denounced in language



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bold, novel, and uncompromising " (Law Journal, Obituary notice, 26 July, 1873).

Lord Westbury's habit of losing or delaying to return the copies of his judgments submitted for his approval was a stumbling-block to the reporter and the publisher.

Lord Westbury's opinions delivered in the House of Lords are in 8—11 *House of Lords Cases*, 1—5 *Law Reports, House of Lords*, 4 *Macqueen*, and 1, 2, *Law Reports, House of Lords (Scotland)*.

His judgments in the Judicial Committee of the Privy Council are in 2—6 *Moore's Privy Council Cases (N.S.)* and 1—3 *Law Reports, Privy Council*.

In the Court of Chancery his decisions are in 4 *De Gex, Fisher and Jones*, and 1—4 *De Gex, Jones and Smith*.\*

#### **BICKERSTETH, HENRY, LORD LANGDALE (1783—1851).**

Master of the Rolls, 1836—1851.

Patient of argument and not sparing in pains to acquire complete knowledge of the facts, Lord Langdale brought to bear on his cases, a clear, logical, and impartial mind, and his decisions are highly valued. His knowledge of Chancery procedure was unsurpassed and he gave evidence at great length before the Chancery Commission of 1824. It was owing to his influence that the public records, of which he had the custody as Master of the Rolls, were first brought together and made accessible to the student in the great building in Chancery Lane.

His health broke down under the strain of work, and he died in April, 1851, a month after his retirement from the bench.

Lord Langdale occasionally sat to hear appeals in the House of Lords and frequently attended the sittings of the Judicial Committee of the Privy Council. His opinions delivered in the House of Lords are found in 10 *Clark and Finnelly*, 1, 3, *House of Lords Cases*; his judgments in the Privy Council are in 4, 6, 7, *Moore (Privy Council)* and 3, 4, 5 *Moore (Indian Appeals)*. He was appointed Lord Commissioner of the Great Seal with Vice-Chancellor Shadwell and Baron Rolfe in 1850 and his decisions in that capacity are reported in *Macnaghten and Gordon*. As Master of the Rolls his cases are in *Keen* and 1—13 *Beavan*.

#### **BROUGHAM, HENRY PETER, LORD BROUGHAM AND VAUX (1778—1868).**

Lord Chancellor, 1830—1834.

Illustrious as an orator and statesman, Lord Brougham was less distinguished as a lawyer. His talents have never been questioned, but he was raised to the Chancellorship possessing no knowledge

\* In this and other references to reports containing the decisions of judges it will be understood that the decisions may also be found in *The Law Journal*, *The Law Times*, and *The Weekly Reporter* during the periods covered by those publications.

of equity. He supplied the deficiency by severe application notwithstanding his boast that he had nothing to do and that the Great Seal was a mere plaything (*Greville Memoirs*, ed. 1888, iii. 22). His decisions in the Court of Chancery as a rule commanded little respect and he frequently exposed his ignorance of equitable principles. In 1832, Sugden, who was the leading practitioner in the Chancellor's Court, complained of his "early haste and precipitation, his recent carelessness and delay, his ignorance, inattention, and incompetence for the office he holds" (*Greville*, ii. 321); but it should be stated that Sugden had been the subject of Brougham's sarcastic wit in the House of Commons and had vowed never to forgive him (*ib.* iii. 23). After his dismissal with the Ministry in 1834, Brougham sat on appeals in the House of Lords and the Judicial Committee and his early training gave him special qualifications for the hearing of Scotch appeals, though here he gave offence by sarcasms on the Lords of Session (Campbell, *Chancellors*, viii. 421). His conduct and demeanour in the case of *Swift v. Kelly* (1835), 3 Knapp, 257, in the Privy Council, have been severely censured by Greville who was then Clerk of the Council (*Memoirs*, iii., 259, 260, 267, 268).

Brougham was a prominent law reformer, being the successful advocate of improvement in the Courts of Chancery, Common Law, and Bankruptcy; and to his efforts we owe the creation of the Judicial Committee of the Privy Council, and the present constitution of the Central Criminal Court. In 1833 he brought in a bill to establish County Courts, and though it failed to pass, it formed the basis of the County Courts Act, 1846. In 1818, chiefly through his efforts, an Act was passed for the appointment of commissioners to enquire into educational charities, and the foundation was laid for the constitution of the present body of Charity Commissioners under the Charitable Trusts Act, 1853.

Lord Brougham's opinions pronounced in the House of Lords are reported in 4—11 *Bligh N. S.*, 2 *Dow and Clark*, 1—12 *Clark and Finnelly, West*, and 1—11 *House of Lords Cases*; and on Scotch Appeals in *McLean and Robinson* (Sc.), 3 and 5—7 *Wilson and Shaw*, 1—3 *Shaw and McLean*, 1, 2 *Robinson*, 1—7 *Bell*, 1—4 *Macqueen*. His judgments in the Privy Council are in 2, 3 *Knapp*, 1—7 *Moore's Privy Council Cases*, and 1—5 *Moore's Indian Appeals*; his decisions in the Court of Chancery in *Russell and Mylne*, *Mylne and Keen*, and *Cooper temp. Brougham*.

**BRUCE.** See *Knight-Bruce*.

**CAIRNS, HUGH McCALMONT, EARL CAIRNS** (1819—1885).

Lord Justice of Appeal, 1866—1868; Lord Chancellor, March to December, 1868, and again 1874—1880.

His occupation of the bench, "though far short of the tenure of some of his famous predecessors, was long enough to establish his title to a place in the roll of our most distinguished judges. . . . The barrister who recalls the time when he used to practise before him will instinctively dwell on the essentially judicial quality of

F.L.B.

his mind as the foundation of the confidence that was always reposed in him. In mere logical acumen others may have equalled though few surpassed him. In that largeness of view, which alone brings the world of law into touch with the world of business, Lord Cairns was never wanting. And his great distinction was that in him these two qualities of acuteness and breadth, which have so often been found antagonistic, were balanced more happily perhaps than in any but a very few of his most brilliant predecessors" (G. W. Hemming, Q.C., in *1 Law Quarterly Review*, 365).

The judgments of Lord Cairns are contained in the early volumes of the *Law Reports* and would be beyond the scope of this work, but for the fact that some of them are also to be found in volumes 4—8 of *Moore's Privy Council Cases (N.S.)*. See p. 21, *supra*.

#### CAMPBELL, JOHN, LORD CAMPBELL (1779—1861).

Lord Chancellor of Ireland, 1841; Lord Chief Justice of England, 1850—1859; Lord Chancellor of Great Britain, 1859—1861.

Lord Campbell, who had previously held the post of Attorney-General in three administrations, was appointed Lord Chancellor of Ireland, with a peerage, in 1841, only a few weeks before the resignation of the Ministry, and had therefore little opportunity of displaying his powers as an Irish Judge. Thenceforward, until 1850, he was without judicial office, except for the hearing of appeals in the House of Lords and the Privy Council. In 1850, at the age of 71, he was appointed Chief Justice of England, and occupied the position for nine years. In his eightieth year he became Lord Chancellor of Great Britain, and held that office until his death two years later.

A lawyer of great experience in the common law Courts, he filled the post of Chief Justice with distinction, and his great abilities enabled him to fulfil the duties of Chancellor with satisfaction to the bar and to suitors. His opinions on the bench, it has been said, like those of Denman, Erle, and Bramwell, were influenced by the Benthamite liberalism of the age in which he lived (Professor Dicey, *Law and Public Opinion in England during the Nineteenth Century*, p. 361).

Campbell reported decisions at *Nisi Prius*, principally of Lord Ellenborough, from 1808—1816. He disapproved of a reporter taking notes in shorthand, considering that a shorthand writer attends to the words without entering into the thoughts of the speaker (Hardcastle's *Life of Lord Campbell*, Vol. I., pp. 105—6).

His *Lives of the Chancellors* and *Lives of the Chief Justices* are well written and widely read, but not to be entirely relied on for accuracy.

Lord Campbell's decisions are spread over many volumes of reports. His opinions delivered in the House of Lords are in 8—12 *Clark and Finnelly*, 1—9 *House of Lords Cases*, 1—7 *Bell* (Sc.), and 1—4 *Macqueen* (Sc.). His judgments in the Judicial Committee of the Privy Council are in 3—7 *Moore's Privy Council Cases*,

and 3—5 *Moore's Indian Appeals*; in the Court of Chancery, in *De Gex, Fisher and Jones*; in the Queen's Bench in 15—18 *Queen's Bench*, 1—8 *Ellis and Blackburn, Ellis, Blackburn and Ellis*, 1, 2 *Ellis and Ellis*; in criminal cases in 4—8 *Cox, Dearsley, Dearsley and Bell*.

Lord Campbell's work as a law reformer is indicated by the following statutes in the promotion of which he took a leading part. The Real Property Limitation Act, 1833 (3 & 4 Will. 4, c. 27), The Fines and Recoveries Act, 1833 (3 & 4 Will. 4, c. 74), The Dower Act, 1833 (3 & 4 Will. 4, c. 105), The Inheritance Act, 1833 (3 & 4 Will. 4, c. 106), The Wills Act, 1837 (7 Will. 4, and 1 Vict. c. 26), The Judgments Act, 1838 (1 & 2 Vict. c. 110), The Copyhold Act, 1841 (4 & 5 Vict. c. 35), The Libel Acts, 1843 and 1845 (6 & 7 Vict. c. 96, and 8 & 9 Vict. c. 75), The Fatal Accidents Act, 1846 (9 & 10 Vict. c. 93), The Poor Law (Apprentices, etc.), Act, 1851 (14 & 15 Vict. c. 11), The Prevention of Offences Act, 1851 (14 & 15 Vict. c. 19), The Criminal Justice Administration Act, 1851 (14 & 15 Vict. c. 55), The Criminal Procedure Act, 1851 (14 & 15 Vict. c. 100), The Central Criminal Court Act, 1856 (19 & 20 Vict. c. 10), The Obscene Publications Act, 1857 (20 & 21 Vict. c. 83), The Contempt of Court Act, 1859 (22 & 23 Vict. c. 17), The Common Law Procedure Act, 1860 (23 & 24 Vict. c. 126), The Chancery Rules and Orders Act, 1860 (23 & 24 Vict. c. 128), The Matrimonial Causes Act, 1860 (23 & 24 Vict. c. 144).

#### CARLETON, HUGH, VISCOUNT CARLETON (1739—1826).

Chief Justice of the Common Pleas in Ireland, 1787—1800.

Lord Carleton was elected a representative peer for Ireland in 1800. His decisions as Chief Justice are reported by *Vernon and Scriven and Ridgway Lapp and Schoales*.

Reports of House of Lords appeals are wanting for some years after 1800, but in 1 *Dow* at pp. 190 and 383 speeches of Lord Carleton are reported. Judging by the absence of his name from the pages of *Dow* and subsequent reporters, except in the instances cited, it would appear that he took little part in the judicial business of the House.

#### CHELMSFORD, LORD. See *Thesiger*.

#### COPLEY, JOHN SINGLETON, LORD LYNDBURST (1772—1863).

Master of the Rolls, Sept. 1826 to May 1827; Lord Chancellor, 1827—1830; Lord Chief Baron, 1831—1834; Lord Chancellor again, 1834—5, and again 1841—1846.

Lord Westbury, on being asked whose was the finest judicial intellect he had ever known, replied: "Lord Lyndhurst's" (*Atlay, Victorian Chancellors*, i. 85).

Until his appointment as Master of the Rolls Lord Lyndhurst's practice had been confined to common law. His decisions during the eight months that he presided at the Rolls will be found in



3 *Russell*, but they comprise no judgments of special importance. As Chancellor his judgments were distinguished by lucid arrangement more than by depth of legal knowledge. He gave his mind rather to the more important and intricate cases than to those which merely required the application of ordinary rules of equitable doctrine or practice, and he was more disposed to confine his judgment to the circumstances of the case immediately before him than to state principles of general application (*Atlay*, i. 143).

Lord Selborne, whose personal knowledge of Lyndhurst extended only to his last chancellorship (1841—1846), says that "he took things very indolently and easily, affirming almost indiscriminately the judgments brought before him on appeal" (Selborne, *Memorials Family and Personal*, i. 372).

Lord Lyndhurst's reputation as a great judge was gained as Chief Baron of the Exchequer from 1831—1834. Lord Campbell refers to his "wonderful quickness of apprehension, his forcible and logical reasoning, his skilful commixture of sound law and common sense, and his clear, convincing, and dignified judgments." The same writer describes Lyndhurst's judgment in *Small v. Attwood* (Younge, 407). The hearing extended over twenty-one days and judgment was pronounced a year later, when for a whole day the Chief Baron was occupied in recapitulating the complicated facts of the case, sifting the evidence, and pronouncing judgment; and this he did orally without referring even to a note, and yet without faltering or hesitation and without once being mistaken in a name, a figure, or a date (Campbell, *Chancellors*, viii. 71, 73).

His judgments in the Court of Chancery are recorded in 3—5 *Russell*, *Russell and Mylne*, *Mylne and Keen*, and *Phillips*; those in the Exchequer are found in *Younge*, *Crompton and Jervis*, *Crompton and Meeson*, and 1 *Crompton*, *Meeson and Rose*; those in the House of Lords, in *Bligh N.S.*, *Dow and Clark*, and *Clark and Finnelly*.

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**COTTENHAM, EARL OF.** See *Pepys*.

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**COURTENAY, WILLIAM, EARL OF DEVON (1777—1859).**

Barrister, Lincoln's Inn, 1799; Master in Chancery, 1817—1826; Clerk Assistant of the Parliaments, 1826—1835; succeeded to the Earldom, 1835.

His opinions on appeals to the House of Lords are reported in 9 *Bligh (N.S.)*, 642; 3 *Clark and Finnelly*, 267; 4 *Ib.* 81, 558; 6 *Ib.* 327, 784; 8 *Ib.* 653; *West*, 31; 2 *H. L. C.*, 72.

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**CRANWORTH, LORD.** See *Rolle*.

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**DEVON, EARL OF.** See *Courtenay*.

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**ELDON, EARL OF.** See *Scott*.

**ERSKINE, THOMAS, LORD ERSKINE (1750—1823).**

Lord Chancellor from February, 1806, to April, 1807.

A great advocate. He knew little of the principles of equity, but, with private assistance from Francis Hargrave, pronounced judgments as Chancellor which were respected, one only being appealed against and that unsuccessfully (Campbell, *Chancellors*, vi. 560). After his resignation in 1807 he seldom took part in hearing appeals to the House of Lords, only one of his opinions being reported by Dow (5 *Dow*, 200).

His decisions are found in 12—14 *Vesey*.

**FREEMAN-MITFORD, JOHN, FIRST BARON REDESDALE (1748—1830).**

Lord Chancellor of Ireland, 1802—1806.

Of Lord Redesdale's (better known as Mitford's) Treatise on Chancery Pleadings, Sir Thomas Plumer, M.R., said in 1820: "To no authority living or dead could reference be had with more propriety for correct information respecting the principles by which Courts of Equity are governed than to one whose knowledge and experience enabled him, forty years ago, to reduce the whole subject to a system with such universally acknowledged learning, accuracy, and discrimination, as to have been ever since received by the whole profession as an authoritative standard and guide" (2 *Jac. & W.* 151).

After Lord Redesdale's resignation of the Irish Chancellorship he took an active part in the hearing of appeals and peerage claims in the House of Lords. Lord Eldon refers to him as a judge "who had presided in the Irish Court of Chancery with so much credit to himself and advantage to his country, and who in addition to his knowledge of equity was as good a common lawyer as any in the kingdom" (1 *Dow*, 348). "One of the ablest judges that ever sat in equity" (Story, *Commentaries in Equity Jurisprudence*, 3rd ed. i. 22).

Lord Redesdale's decisions in the Irish Court of Chancery are reported by *Schoales and Lefroy*; those in the House of Lords by *Dow*, vols. 1—6; *Bligh*, vols. 1—4; *Bligh N. S.*, vols. 1—3; *Dow and Clark*, vol. 1; *Clark and Finnelly*, vol. 6, p. 126; *Paton*, vol. 6; *Shaw*, vols. 1 and 2; *Wilson and Shaw*, vols. 1 and 2.

**FREEMAN-MITFORD, JOHN THOMAS, EARL OF REDESDALE (1805—1886).**

Chairman of Committees of the House of Lords, 1851—1886.

Lord Redesdale succeeded his father the first Baron Redesdale (see Freeman-Mitford, John, First Baron Redesdale), in 1830, and was created an Earl in 1877. He was unanimously elected Chairman of Committees in 1851, and most ably discharged the duties of the office until his death. He took no part in the hearing of appeals and the only instance in which his judgments appear in

the reports is on the hearing of peerage claims before the Committee of Privileges. In these cases he presided as Chairman and two of his judgments will be found in 8 *House of Lords Cases*, at p. 142 (Berkeley Peerage, 1861), and 3 *Macqueen*, at p. 603 (Herries Peerage, 1858). His judgments in later peerage cases are in the *Law Reports*.

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**GIFFORD, ROBERT, LORD GIFFORD (1779—1826).**

Chief Justice of the Common Pleas, January to April, 1824 ;  
Master of the Rolls, April, 1824, to September, 1826.

On his appointment to the office of Chief Justice, Gifford was raised to the peerage, became Deputy Speaker of the House of Lords, and sat to hear appeals, giving especial satisfaction by his judgments on appeals from Scotland. Lord Tenterden expressed the opinion that Gifford was a good lawyer, with more learning than Copley, and the fittest man living to succeed Lord Eldon as Chancellor (Campbell, *Chief Justices*, iii. 296). Gifford died in September, 1826, while Eldon was still in office.

Gifford's judgments as Chief Justice of the Common Pleas are found in 8 *Moore C. P.* ; as Master of the Rolls in *Turner and Russell* and 1 *Russell* ; and as a Privy Councillor in 2 *Knapp*. His judgments in the House of Lords on Scotch appeals are in 2 *Shaw*, and 1, 2 *Wilson and Shaw*.

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**GRANT, RIGHT HON. SIR WILLIAM (1752—1832).**

Master of the Rolls, 1801—1817.

Universally acknowledged to be an equity judge of the first rank. His knowledge of precedent was, perhaps, less than Lord Eldon's, but his judgments were more lucid, and they were free from the constant doubting and delay which affected the reputation of the Chancellor.

Sir Samuel Romilly, who was not accustomed to be laudatory over much, thus writes of Sir William Grant : " His eminent qualities as a judge, his patience, his impartiality, his courtesy to the bar, his despatch, and the masterly style in which his judgments were pronounced, would at any time have entitled him to the highest praise ; but his mode of administering justice appeared to the greater advantage by the contrast it afforded to the tardy and most unsatisfactory proceedings both of the Chancellor and the Vice-Chancellor " (*Memoirs of Sir S. Romilly*, iii. 324-5). Charles Butler tells us : " His exposition of facts and of the consequences deducible from them, his discussion of former decisions, showing their legitimate weight and authority, and their real bearing upon the point in question were above praise ; the whole was done with admirable ease and simplicity " (*Reminiscences*, i. 143).

The following extracts from judgments of Lord Eldon's show his estimation of Sir William Grant's abilities : " I shall not hold any opinion of my own without doubt where the Master of the Rolls has held directly the contrary " (11 *Vesey*, 391) ; " I am very unwilling to differ from any opinion pronounced by so great

an authority as that of the Master of the Rolls" (1 Merivale, 103); "I feel that in differing from so great a Judge my own decision will not hereafter possess all the authority which might otherwise attach to it" (*Ib.*, 94).

Sir William Grant was as much distinguished by his ability when assisting at the Cockpit in the hearing of Colonial or Prize Appeals as at the Rolls, and he continued this voluntary duty 'or some years after his retirement from the bench. The only reports of his decisions in such cases are those of *Acton* (1809—1811).

His judgments at the Rolls are reported by *Vesey junior*, *Vesey and Beames*, *Cooper temp. Eldon*, and *Merivale*.

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**HART, RIGHT HON. SIR ANTHONY (1754 (?)—1831).**

Vice-Chancellor of England, May—October, 1827; Lord Chancellor of Ireland, 1827—1830.

He practised at the Chancery bar for forty-six years before he was raised to the bench. He was industrious and painstaking, patient in listening to argument, and his judgments were able and lucid. None of his decisions were varied or reversed (*O'Flanagan's Lives of the Lord Chancellors of Ireland*, ii. 378; *Burke's History of the Lord Chancellors of Ireland*, 204; *Foss' Judges*).

His judgments as Vice-Chancellor are contained in *Simons* and as Lord Chancellor of Ireland in *Beatty and Molloy*.

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**HATHERLEY, LORD.** See *Wood*.

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**KAY, RIGHT HON. SIR EDWARD EBENEZER.**

Lord Justice, Chancery Reporter. See p. 71.

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**KENYON, LLOYD, LORD KENYON (1732—1802).**

Master of the Rolls, 1784—1788; Lord Chief Justice of England, 1788—1802.

Charles Butler's apparently inconsistent account of Lord Kenyon's qualifications as a judge is perfectly accurate: "Much intuitive readiness was possessed by Lord Kenyon, but intermediate patient discussion was seldom exhibited by his lordship. The consequence was that though the decision was right, the ground of it was sometimes obscure and the objections to it in the minds of the hearers were not always removed. This lessened the merit of his adjudications, but they are most deservedly held in the greatest respect and considered of the highest authority" (*Butler, Reminiscences*, i. 145). By his industry in early life Lord Kenyon had acquired a great knowledge of law, but it was said, though allowance must be made for exaggeration, that on the bench he never referred to a book. His judgments, though generally sound and very seldom overruled, were not supported by clear reasoning, and did not attain to the merit which more care in the preparation would have earned for them. Lord Eldon said that when Kenyon became an equity

judge, he considered himself not bound to seek further information than counsel had furnished, and his judgment was usually given from his own general knowledge of law at the conclusion of counsel's reply. He was the only judge Lord Eldon knew who was so constantly right that he could act upon the principle that he was always so, and he was one of the quickest judges that ever sat in the Court of Chancery (Twiss, *Life of Lord Eldon*, i. 137; Kenyon, *Life of Lord Kenyon*, 173, 390). Kenyon has been classed with Lord Eldon as being influenced by the beliefs and feelings of the era of old toryism in which he lived (see under *Scott, John, Earl of Eldon*, p. 96, *infra*).

Lord Kenyon was very eminent as a common law judge, though irritable and overbearing towards his brother judges and the bar. In more recent times his judicial qualifications have been thus represented by another very eminent judge. "When a point has been decided by such a judge as Lord Kenyon and the decision followed by such a judge as Lord Eldon . . . I cannot conceive a case more completely bound by authority" (*per Wood, V. C., Weeding v. Weeding*, 1 Johnson and Hemming, 430). Lord Kenyon, however, does not attain to "the lines and portraiture of a good judge" as declared by Lord Bacon in his speech on the appointment of Mr. Justice Hutton to the Common Pleas: "That you should draw your learning out of your books, not out of your brain; that you should mix well the freedom of your own opinion with the reverence of the opinion of your fellows; that you should continue the studying of your books and not to spend on upon the old stock. . . . That you affect not the opinion of pregnancy and expedition by an impatient and catching hearing of the counsellors at the bar." (*Bacon's Works*, by Montagu, vii. 271).

Lord Kenyon's decisions as Master of the Rolls are in *Brown's Chancery Cases*, *Cox*, and *Dickens*; as Chief Justice in 2—8 *Durnford and East* and 1, 2 *East*.

#### KINDERSLEY, RIGHT HON. SIR RICHARD TORIN (1792—1879).

Master in Chancery, 1848—1851; Vice-Chancellor, 1851—1866.

Lord Selborne thus refers to Kindersley, Turner and Parker: "as good and careful judges as ever sat in the Court of Chancery" (*Memorials*, Pt. I, vol. ii. p. 131).

Lord Justice Rigby gives Kindersley higher praise: "Kindersley, V.-C., was one of the greatest masters of equity and of trust law we ever had" (*Re Dixon, Heynes v. Dixon*, [1900] 2 Ch. at p. 571).

Kindersley became Vice-Chancellor in the appointment of Lord Cranworth to the newly-created post of Lord Justice in October, 1851, and was succeeded on his retirement in 1866 by Vice-Chancellor Malins. Previously to Kindersley's appointment it was usual to create the Vice-Chancellors Privy Councillors on their being raised to the bench. From this period the honour was confined to the Lords Justices, and Kindersley and Parker, who were appointed at the same time, and subsequent Vice-Chancellors, only attained the rank of Privy Councillors upon retirement from the bench or promotion. After his retirement Kindersley sat occasionally as a

member of the Judicial Committee (see 1 and 2 *Law Reports, Privy Council*).

Vice-Chancellor Kindersley's decisions are reported in *Simons (N.S.)*, *Drewry, Drewry and Co. v. The Admiralty*, 1 and 2 *Law Reports (Equity)*, and 1—3 *Equity Reports*. His judgments in the Judicial Committee are in 4 *Moore, Privy Council (N.S.)*, 11 *Moore, Indian Appeals*, 1 *Law Reports, Privy Council*.

**KINGSDOWN, LORD.** See Pemberton-Leigh.

**KNIGHT-BRUCE, RIGHT HON. SIR JAMES LEWIS (1791—1866).**

Vice-Chancellor, 1841—1851, Lord Justice, 1851—1866.

Knight-Bruce was one of the two additional Vice-Chancellors appointed under the Act, 5 Vict. c. 5. He possessed a thorough knowledge of equity and great intellectual ability and power of memory. His judgments are celebrated for their learning and felicity of expression. The case of *Walker v. Armstrong* (1856), 8 D. G. M. & G. 531, supplies an instance of the humour with which they were sometimes enlivened, a characteristic of the judge which Lord Selborne describes as "admirable in itself, but less appropriate on the judgment seat than elsewhere" (*Memorials*, Part I., vol. i. 375).

In describing a series of ill-advised transactions by which a firm of solicitors, acting for a naval officer, had landed him in a Chancery suit, the Lord Justice says: "These licensed pilots undertook to steer a post-captain through certain not very narrow straits of the law, and, with abundance of sea room, ran him aground on every shoal they could make. First in 1824, then in 1825, and again some years afterwards, was the gallant officer encumbered with help, of a description for which he could perhaps supply a better term than I can." See, too, the case of *Barrow v. Barrow*, 5 D. G. M. & G. at p. 782; and the references in the preface to 75 Revised Reports.

Knight-Bruce had an innate love of justice and hatred of fraud, and was ready to brush aside objections grounded on form when the substance of the matter could not otherwise be reached. He preferred rather to apply his knowledge of principles to the facts of the case before him than to enunciate the principle itself or to cite precedents. It was a subject of complaint with the bar that the judge was prone to interrupt the arguments with a succession of questions. He worked with great rapidity and, in 1850, for several weeks before the long vacation, when his two colleagues were ill, he transacted the whole business of the three Vice-Chancellors.

In 1851, Knight-Bruce was appointed one of the first Lords Justices of Appeal in Chancery with Lord Cranworth for a colleague. He was made a Privy Councillor in 1842 and became one of the most influential members of the Judicial Committee, where his knowledge of civil law and foreign legal systems was of great value.

His decisions as Vice-Chancellor are reported in *Younge and Collyer*, *Collyer*, *De Gex and Smale* and *Holt*; as Lord Justice in *De Gex*, *Macnaghten and Gordon*, *De Gex and Jones*, *De Gex*, *Fisher and*

*Jones, De Gex, Jones and Smith*, and 1—3 *Equity Reports*; as a member of the Judicial Committee in 5—16 *Moore, Privy Council*, and 1—3 *Ib. (N.S.)*. See also the early volumes of the *Law Reports*.

**LANGDALE, LORD.** See *Bickersteth*.

**LAUDERDALE, EARL OF.** See *Maitland*.

**LEACH, RIGHT HON. SIR JOHN (1760—1834).**

Vice-Chancellor of England, 1818—1827; Master of the Rolls, 1827—1834.

Leach is described by Sir Samuel Romilly in 1816 as possessing great facility of apprehension, considerable powers of argumentation, and remarkably clear and perspicuous elocution, but deficient in knowledge as a lawyer (*Memoirs of Sir S. Romilly*, iii. 216). Foss says of Leach: "Both as Vice-Chancellor and Master of the Rolls, though he despatched the causes before him with immense celerity, he relied so little upon authorities and listened so indifferently to any arguments that conflicted with his own opinion, sometimes not even condescending to give any reasons for his judgments, that his decisions were frequently appealed against and not unfrequently overturned. In comparing his summary judgments with Lord Eldon's proverbial delays, the Chancellor's court was designated the Court of *oyer sans terminer* and Sir John's that of *terminer sans oyer*" (*Biographica Juridica*, 400). Lord Campbell tells us that Romilly thought the tardy justice of Eldon was better than the swift injustice of his deputy (*Chancellors*, vii. 634). Leach was well acquainted with Scotch law, and in 1827 was appointed Deputy Speaker of the House of Lords to give judgment on appeals in the name of the House. He sat, when the Lord Chancellor was not sitting, to hear Scotch appeals.

Leach's decisions as Vice-Chancellor are reported in 3—6 *Maddock, Simons and Stuart*, 1 *Simons*; as Master of the Rolls, in *Russell, Russell and Mylne, Mylne and Keen*, and *Tamlyn*. His bankruptcy decisions are in *Buck, Glyn and Jameson*, and *Montagu and McAthur*.

**LYNDHURST, LORD.** See *Copley*.

**MAITLAND, JAMES, EARL OF LAUDERDALE (1759—1839).**

Student of Lincoln's Inn, 1777; Member of the Faculty of Advocates, 1780; succeeded to the Earldom, 1789; Scotch representative peer, 1790; peer of the United Kingdom, Privy Councillor, and Lord High Keeper of the Great Seal of Scotland, 1806; one of the managers of the impeachment of Warren Hastings.

His only reported opinion on a House of Lords appeal is in 2 *Bligh (N.S.)* 453 (1828), 1 *Dow and Clark*, 246 (S.C.).

**MANNERS, LORD.** See *Manners-Sutton*.

**MANNERS-SUTTON, THOMAS, LORD MANNERS (1756—1842).**

Baron of the Exchequer, 1805—1807; Lord Chancellor of Ireland, 1807—1827.

O'Connell, a political opponent, said that Lord Manners "was a bad lawyer, but he was the most sensible-looking man talking nonsense he ever saw" (Burke, *Lord Chancellors of Ireland*, 203). According to Foss (*Lives of the Judges*, viii. 372), "his decisions as an equity judge were held in high estimation."

O'Flanagan (*Lives of the Irish Chancellors*, ii. 339) describes him as "distinguished for his urbanity; not indeed deeply read, but evincing ability to understand and judgment to decide." He never left a case undecided when he rose for the vacation and very few of his decisions were appealed from.

Lord Manners's judgments in the Irish Court of Chancery are to be found in *Ball and Beatty* and *Beatty*, and, as ex-Chancellor, on House of Lords appeals, in 2 and 3 *Bligh* (N.S.) and 1 *Dow and Clark*.

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**MITFORD.** See *Freeman-Mitford*.

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**PARKER, SIR JAMES (1803—1852).**

Vice-Chancellor, 1851—1852.

Vice-Chancellor Parker sat on the bench for less than a year, being appointed in October, 1851, and dying in August, 1852. His previous experience in the Court of Chancery, his strong intellect, and his unflagging industry made him a sound lawyer, and his ability in stating the facts of a case clearly, and applying the law to them, as shown in his judgments, gave promise of a distinguished career. Lord Selborne places him with Kindersley and Turner: "as good and careful judges as ever sat in the Court of Chancery" (*Memorials*, Part I., vol. ii. p. 131). He died in his 49th year. His decisions are reported in *De Gex and Smale*.

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**PEMBERTON-LEIGH, THOMAS, LORD KINGSDOWN (1793—1867).**

A member of the Judicial Committee of the Privy Council, 1844—1863.

Pemberton-Leigh practised at the Chancery bar, and in the House of Lords before he became a Privy Councillor. He was raised to the peerage as Lord Kingsdown in 1858, and thenceforward sat on appeals to the House of Lords as well as on the Judicial Committee. He refused the Great Seal more than once. His judgments, with which he is said to have taken great pains, are distinguished by sound law and clear exposition, and by their frequent enunciation of principles. Among judges, Lord Kingsdown occupies the highest rank, though he never filled the more prominent positions for which he was well qualified. His great services were



rendered while holding judicial posts to which no remuneration is attached.

Lord Kingsdown's opinions in House of Lords Appeals will be found in 7—11 *House of Lords Cases*, and 3, 4, *Macqueen*; his judgments in the Judicial Committee are in 4—15 *Moore, Privy Council*, and 1—3 *ibid. (N.S.)*.

**PEPYS, CHARLES CHRISTOPHER, EARL OF COTTENHAM**  
(1781—1851).

Master of the Rolls, 1834—1836; Lord Chancellor, 1836—1841, and again, 1846—1850.

Upon his appointment as Master of the Rolls, Pepys at once established the character of a first-rate equity judge. After fifteen months, during part of which he acted as Lord Commissioner, he was raised to the Chancellorship, in which post his reputation was sustained, his judgments being distinguished by their accurate statement of the law and by sound common sense. Lord Campbell said of him in 1846: "Lord Cottenham is a most excellent equity judge, but not a great jurist, being not at all familiar with the Roman Civil Law, and being profoundly ignorant of the codes of all foreign nations. Even of equity he knows little before the time of Lord Nottingham, and his skill in deciding cases arises from a very vigorous understanding, unwearied industry in professional plodding, and a complete mastery over all the existing practice and all the existing doctrines of the Court of Chancery" (*Hardcastle, Life of Lord Campbell*, ii. 207). It may be thought that to impute ignorance of equity as it existed before the age of "the father of equity" is not a very severe censure, but the phrase seems to be merely a repetition of the statement that Lord Cottenham was not familiar with the Civil Law. A later Chancellor said of Lord Cottenham that he "was not brilliant, but he was one of the best lawyers who, after Lord Eldon's time, sat in the Court of Chancery" (Lord Selborne, *Memorials*, Part I, vol. i. 371).

Ready in forming an opinion and difficult to move when he had made up his mind, Lord Cottenham was prone to reverse judgments that came before him on appeal. During his second period of office he acquired the habit of deferring his judgments, often keeping the papers until the long vacation, when material circumstances of the case would be forgotten. When out of office from 1841 to 1846 he gave assistance in the House of Lords but seldom sat with the Judicial Committee. His judgments in the House of Lords are found in 10, 11 *Bligh, N.S.*, 4—12 *Clark and Finnely, West*, and 1, 2 *House of Lords Cases*; on Scotch appeals, in *McLean and Robinson*, 2, 3 *Shaw and McLean*, 1, 2 *Robinson*, 1—7 *Bell*, and 1 *Macqueen*; those in the Court of Chancery in *Mylne and Keen* and *Mylne and Craig* (as Master of the Rolls and Lord Commissioner), and in *Mylne and Craig, Craig and Phillips, Phillips, Macnaghten and Gordon, Donnelly, C. P. Cooper, Cooper temp. Cottenham*, and *Hall and Twells* (as Chancellor).

**PLUMER, RIGHT HON. SIR THOMAS (1753—1824).**

Vice-Chancellor of England, 1813—1818; Master of the Rolls, 1818—1824.

A lawyer of considerable attainments though not a profound jurist. Sir Samuel Romilly, who had strongly opposed the passing of the Act 53 Geo. III. c. 24 for the appointment of a Vice-Chancellor, seems to have been as strongly dissatisfied with the appointment of Sir Thomas Plumer to the post, of whom he wrote: "A worse appointment than that of Plumer to be Vice-Chancellor could hardly have been made. He knows nothing of the law of real property, nothing of the law of bankruptcy, and nothing of the doctrines peculiar to courts of equity" (*Memoirs of Sir Samuel Romilly*, iii. 102). On Plumer's appointment as Master of the Rolls in 1818, Sir Samuel described him as incapable of discharging the duties of his office and predicted that if Leach, the new Vice-Chancellor, disposed of the business before him as quickly as was anticipated, very few causes would be set down at the Rolls (*ib.* 325). On the other hand, Lord Campbell tells us that Sir Thomas Plumer "was by no means ignorant of the law of real property or of the law of bankruptcy and he has practised on the equity side in the Court of Exchequer for many years. His judgments as Vice-Chancellor and Master of the Rolls, sneered at by some old Chancery practitioners when they were delivered, are now read by the student with much profit and are considered of high authority" (*Chancellors* (1847), vii. 304).

Plumer's decisions as Vice-Chancellor are reported by *Vesey junr.*, *Vesey and Beames*, *Cooper t. Eldon*, and *Maddock*; as Master of the Rolls, by *Swanston*, *Jacob*, and *Walker*, *Jacob*, and *Turner and Russell*.

**PLUNKET, WILLIAM CONINGHAM, LORD PLUNKET (1764—1854).**

Chief Justice of the Common Pleas in Ireland, 1827—1830;  
Lord Chancellor of Ireland, 1830—1834, and again, 1835—1841.

Like Erskine, Lord Plunket was greater as an advocate than as a judge and many of his decisions were reversed on appeal. His opinions on House of Lords appeals are reported in 3, 5, 7, 8, 11 *Bligh (N.S.)*, 1 *Dow and Clark*, and 1, 2, 3, 4, 6 *Clark and Finnelly*.

**REDES DAL'**, JOHN, FIRST BARON. See *Freeman-Mitford*, John.

**REDES DALE, EARL OF.** See *Freeman-Mitford*, John Thomas.

**ROLFE, ROBERT MONSEY, LORD CRANWORTH (1790—1868).**

Baron of the Exchequer, 1839—1850; one of the Lords Commissioners of the Great Seal, 1850; Vice-Chancellor, 1850; Lord Justice, 1851; Lord Chancellor, 1852—1858; and again 1865—1867.

Though Rolfe had practised only in the Court of Chancery at

the time of his elevation to the bench as a Baron of the Exchequer, he had qualified himself for the duties of a common law court by experience gained as recorder of Bury St. Edmunds, and during the eleven years that he held the post of Baron he gained the reputation of a sound and practical judge. His tenure of the offices of Vice-Chancellor and Lord Justice of Appeal in Chancery was short; as Chancellor, his judgments were carefully prepared and showed a wide knowledge of law. He took an active part in the promotion of law reform and, amongst other Acts which he was instrumental in passing, was the 23 and 24 Victoria c. 145, known as Lord Cranworth's Act, but now superseded by the Conveyancing and Law of Property Act, 1881, the Settled Land Act, 1882, and the Trustee Act, 1893.

Baron Rolfe was raised to the peerage as Lord Cranworth on his appointment to the post of Vice-Chancellor in 1850.

His decisions in the Court of Exchequer are reported in 5—16 *Meeson and Welsby*, and 1—5 *Exchequer Reports*; as Commissioner of the Great Seal, in 2 *Macnaghten and Gordon* and 2 *Hall and Twells*; as Vice-Chancellor in 17 *Simons* and 1, 2 *Simons (N.S.)*; as Lord Justice of Appeal and Lord Chancellor, in *De Gex*, *Macnaghten and Gordon*, *De Gex and Jones*, *De Gex, Jones and Smith* and 1—3 *Equity Reports*; on House of Lords Appeals, in 3—11 *House of Lords Cases* and 1—4 *Macqueen*; on Privy Council appeals, in 7, 8, 13—15 *Moore, Privy Council*, 1—3 *Ibid. (N.S.)*, and 5, 7 *Moore's Indian Appeals*. See also the early volumes of the *Law Reports*.

#### ROMILLY, JOHN, LORD ROMILLY (1802—1874).

Master of the Rolls, 1851—1873.

John Romilly, son of Sir Samuel Romilly, set out on his legal career with the advantage of a distinguished name. He acquired a considerable practice at the Chancery bar, was Solicitor-General in 1848 and Attorney-General in 1850, and becoming Master of the Rolls in 1851, was the last holder of that office to sit in the House of Commons after being raised to the bench. (This exceptional privilege was taken away by the fifth section of the Judicature Act, 1875.) In 1865 he was created a peer.

Lord Romilly was industrious and expeditious and possessed a large share of common sense, but he was not a great lawyer. Beavan's reports of Lord Romilly's decisions are elaborate and very numerous, but he was frequently reversed, and the late Lord Selborne who practised before him thought there would have been reasonable probability of successful appeals in eight out of ten cases decided by him (*Reminiscences of Sir John Hollams*, 159); see also the preface to 92 *Revised Reports*. He disliked technicality. "It is the duty of the court to avoid reviving such technicalities [as to the valid execution of a power] which, though interesting to the few who make such subjects their study, are usually found to defeat justice" (*per* Lord Romilly, *M.R., Smith v. Adkins* (1872), 41 L. J. (CH.) 630).

In his capacity of custodian of the public records, Lord Romilly

was active in promoting means for their better custody and arrangement, and students owe him a debt of gratitude for granting additional facilities for access to the records.

Lord Romilly's decisions in the Court of Chancery are reported in 14—36 *Beavan*, 1—3 *Equity Reports*, and the earlier volumes of the *Law Reports (Equity)*; those in the Judicial Committee of the Privy Council in 14, 15 *Moore, Privy Council*, and 1—6 *Ibid. (N.S.)*.

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**ROSSLYN, EARL OF.** See *Wedderburn*.

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**RYAN, RIGHT HON. SIR EDWARD (1793—1875).**

Judge of the Supreme Court of Bengal, 1826—1833; Chief Justice of Bengal, 1833—1843; Privy Councillor and Assessor on Indian appeals, 1843; sat as a member of the Judicial Committee from 1849—1859.

In 1827 Ryan published with William Moody *Reports of Cases at Nisi Prius*, 1823—1826, and with Sir W. O. Russell, in 1825, *Crown Cases Reserved*, from 1799—1824.

Sir Edward Ryan possessed great ability, a calm judgment, and sound common sense. His knowledge of Indian law was of great value in the Judicial Committee.

For his judgments, see 7 *Moore, Indian Appeals*.

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**ST. LEONARDS, LORD.** See *Sugden*.

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**SCOTT, JOHN, EARL OF ELDON (1751—1838).**

Chief Justice of the Common Pleas, 1799—1801; Lord Chancellor, 1801—1806, and again, 1807—1827.

Lord Eldon's qualifications as a Judge are thus summed up by Charles Butler: "In profound, extensive and accurate knowledge of the principles of his court, and the rules of practice by which its proceedings are regulated—in complete recollection and just appreciation of former decisions—in discerning the just inferences to be drawn from them—in the power of instantaneously applying this immense theoretical and practical knowledge to the business immediately before the court—in perceiving almost with intuitive readiness on the first opening of a case its real state and the ultimate conclusion of equity upon it, yet investigating it with the most conscientious, most minute, and most edifying industry—in all or in any of these requisites for a due discharge of his high office, Lord Eldon, if he has been equalled, has assuredly never been surpassed by any of his predecessors" (*Reminiscences*, i., 144).

The conservative tendency of Eldon's mind is thus indicated by a modern writer: "The Courts of the judges, when acting as legislators, are of course influenced by the beliefs and feelings of their time, and are guided to a considerable extent by the dominant current of public opinion; Eldon and Kenyon belonged to the era of old toryism as distinctly as Denman, Campbell, Erle, and

Bramwell belonged to the age of Benthamite liberalism" (Professor Dicey, *Law and Public Opinion in England during the Nineteenth Century*, p. 361). As to the doubting opinions and delay in giving judgment with which Lord Eldon has been justly charged, see the remarks of Chancellor Kent, quoted under *Vesey junior*, p. 36, *supra*.

Lord Eldon's decisions in the Common Pleas are reported by *Bosanquet and Puller*; in the Court of Chancery by *Vesey junior*, *Vesey and Beames*, *Cooper t. Eldon*, *Merivale*, *Swanston*, *Jacob and Walker*, *Jacob*, *Turner and Russell*, and *Russell*; in the House of Lords by *Dow*, *Bligh*, *Dow and Clark*, and 1, 2 *Clark and Finnelly*; on Scotch Appeals by *Paton*, *Shaw*, and 1-4 *Wilson and Shaw*.

#### SEWELL, RIGHT HON. SIR THOMAS (died 1784).

Master of the Rolls, 1764—1784.

He frequently sat with Lord Bathurst, on the appointment of the latter as Chancellor, and rendered him much needed assistance. Sir Thomas Sewell was of considerable eminence as an equity judge. His decisions are reported by *Ambler* and *Dickens*.

#### SHADWELL, RIGHT HON. SIR LANCELOT (1779—1850).

Vice-Chancellor of England, 1827—1850; one of the Commissioners of the Great Seal, 1835—1836 and 1850.

Knight-Bruce, V.-C., thus referred to Shadwell after his death: "A judge distinguished for his great knowledge of the law which he administered, . . . for his unwearied patience, . . . an example of courtesy, gentleness and amenity" (4 D. G. & S., memoranda prefixed). His decisions nevertheless do not bear a high reputation. Lord Selborne refers to the tyranny which successive leaders exercised over Shadwell as inconceivable to those who did not witness it (*Memorials*, Part I., vol. i., p. 374). Shadwell was the last Vice-Chancellor of England. Having been made a Privy Councillor on his elevation to the bench, he was subsequently appointed one of the first members of the Judicial Committee under the Act 3 & 4 William IV. c. 41. His judgments in that capacity are in 2 & 3 *Knapp*, 1 *Moore*, *Privy Council*, and 1 *Moore*, *Indian Appeals*. His decisions as Vice-Chancellor are in 2—17 *nona*, *Donnelly*, *C. P. Cooper*, and *Holl*.

#### STUART, RIGHT HON. SIR JOHN (1792—1876).

Vice-Chancellor, 1852—1871.

The Vice-Chancellor had been a reporter, and was joint author of *Simons and Stuart* (q.v. p. 62, *supra*). His acuteness of intellect and great experience in the Court of Chancery eminently qualified him for the bench, and many of his judgments prove his ability and learning, but he was apt to decide on first impression, and was frequently reversed on appeal. "Mention of the word fraud in

the late Vice-Chancellor Stuart's court was apt to rouse in the breast of that more righteous than learned judge a passion for natural justice unrestrained by any nice regard for the principles or authorities of the common law" (114 *Revised Reports*, pref.).

On retirement from the bench in 1871, Sir John Stuart was made a Privy Councillor, but he seldom sat on the Judicial Committee.

His decisions as Vice-Chancellor are reported in *Smale and Giffard*, *Giffard*, and the earlier volumes of the *Law Reports (Equity)*; also in 1-3 *Equity Reports*.

**SUGDEN, SIR EDWARD BURTENSHAW, LORD ST. LEONARDS**  
(1781-1875).

Lord Chancellor of Ireland from January to April, 1835, and from 1841-1846; Lord Chancellor of Great Britain from February to December, 1852.

A very great judge, who has been ranked with the greatest Chancellors. His acute intellect and logical power, combined with his knowledge of law, and especially of real property law, gave great weight to his judgments, and the statements of law in his text books have been frequently cited. In *Saunders v. Shafto*, [1905] 1 Ch. at p. 132, Vaughan Williams, L.J., referring to the case of *Baldwin v. Roche*, decided by Sugden in Ireland, says that, though not binding as an Irish decision, it is binding in a very great degree because it is stated to be law in *Sugden on Powers*.

Lord St. Leonards sat to hear appeals in the House of Lords for sixteen years after resigning the Great Seal. His published works include treatises on *The Law of Vendors and Purchasers*, and on *Powers*, a *Handy Book on Property Law*, all of which passed through many editions; and he edited Gilbert's *Law of Uses and Trusts*. An account of Sugden's *Law of Property as Administered by the House of Lords* (1849), will be found under House of Lords Reports, p. 12, *supra*. He promoted and helped to carry into law many Acts relating to trusts and wills, to infants, and to procedure. The Law of Property Amendment Act, 1859 (22 & 23 Vict. c. 35), is usually cited as Lord St. Leonards' Act. Sir Alexander Cockburn, C.J., thought that Lord St. Leonards had done more to teach the law and improve the law than any man of his age (*Our Judicial System*, p. 6, note). Lord Selborne refers to him as "a very clever man, profound in conveyancing and case law; waspish, overbearing, and impatient of contradiction" (*Memorials*, Part I., vol. i. 374).

The decisions of Sir Edward Sugden as Lord Chancellor of Ireland, are reported by *Lloyd and Gould*, *Drury and Warren*, *Connor and Lawson*, *Drury temp. Sugden*, *Jones and Latouche*. His decisions as Lord Chancellor of Great Britain (he was created Baron St. Leonards on his elevation to this post), are in 1 & 2 *DeGex*, *Macnaghten and Gordon*; as ex-Chancellor, sitting in the House of Lords, in 3-11 *House of Lords Cases*, and 1, 2 *Macqueen*. It is said that he sat on the Judicial Committee (Foss, *Biog. Jurid.*; *Dict. Nat. Biog.*), but it is believed that no judgment of his as a member of that body is reported.

**SUTTON.** See *Manners-Sutton*.

**THESIGER, FREDERICK, LORD CHELMSFORD (1764—1878).**

Lord Chancellor, 1858—1859, and 1866—1868.

On his elevation to the Chancellorship, Lord Chelmsford had no experience of Chancery work. Lord Selborne said of him that he performed his part in the Court of Chancery as well as most common law Chancellors (*Memorials*, Part I., vol. ii., p. 334). He was eloquent rather than a profound lawyer, but he possessed more legal learning than the world gave him credit for. His judicial qualities showed to better advantage in the House of Lords and Privy Council, where he sat regularly after his retirements from office, than in the Court of Chancery.

Lord Chelmsford's decisions in the Court of Chancery are reported in 2—4 *De Gex and Jones*; as ex-Chancellor sitting in the House of Lords in 6—11 *House of Lords Cases*, and 3, 4, *Macqueen*; as a member of the Judicial Committee in 13—15 *Moore, Privy Council*, 1—3, 5—7, 9, *Moore, Privy Council (N.S.)*, 8—10, 12, 13, *Moore, Indian Appeals*. See also the earlier volumes of the Law Reports.

**THOMSON, THE RIGHT HON. WILLIAM, D.D. (1819—1890).**

Archbishop of York, 1862—1890.

The Archbishop sat as a member of the Judicial Committee, where it is said that his voice was frequently raised for toleration (*Dict. Nat. Biog.*). He took part in the two appeals in the Bennett Case (*Sheppard v. Bennett* (1870, 1871), 9 Moore P. C. (N. S.) 120, 149), and delivered the judgment of the Committee in *Simpson v. Flamank* (1867), 4 Moore P. C. (N. S.) 385, on questions arising under the Church Discipline Act (3 & 4 Vict. c. 86).

**THURLOW, EDWARD, LORD THURLOW (1731—1806).**

Lord Chancellor, 1778—1783, and again, 1783—1792.

It is said that Lord Thurlow never made a systematic study of jurisprudence, and though his natural talents were great and his knowledge of law was very considerable, he does not rank with such masters of equity as Lord Eldon, Lord Redesdale, or Sir William Grant. The learning and research displayed in some of his judgments are attributed to Francis Hargrave, who privately assisted him with advice (Foss, *Judges*, viii. 384). Charles Butler tells us that Lord Thurlow's judgments were "strongly marked by depth of legal knowledge and force of expression, and by the overwhelming power with which he propounded the result; but they were too often enveloped in obscurity, and sometimes reason was rather silenced than convinced" (*Reminiscences*, i. 142). Bridgman says "that the Chancellor seldom gave any reasons for his judgments" (*Legal Bibliography*, 40; cf. *White v. Ritchie*, 2 Dow, at p. 383).

Fox's saying will be remembered: that "no man ever was so wise as Thurlow looked."

Lord Thurlow's decisions are reported by *Dickens*, *Brown C. C.*, *Cox*, and *Vesey junior*.

**TRURO, LORD.** See *Wilde*.

**TURNER, THE RIGHT HON. SIR GEORGE JAMES (1798—1867).**

Vice-Chancellor, 1851—1853; Lord Justice of Appeal, 1853—1867.

In 1832 Turner edited, with James Russell, a volume of reports containing cases in the Court of Chancery from 1822—1824 (see *Turner and Russell*, p. 43, *supra*). As member for Coventry he introduced and helped to pass the Act 13 & 14 Vict. c. 35, known as Turner's Act, for the simplification of Chancery procedure. He was appointed Vice-Chancellor, March 28, 1851, the day on which Romilly was appointed Master of the Rolls. In the following month they were both made Privy Counsellors, and Turner was the last of the Vice-Chancellors to receive that honour on appointment to the judicial office (see *Kindersley*, *Rt. Hon. Sir Richard Torin*, *supra*). In January, 1853, Turner became Lord Justice in the place of Lord Cranworth and presided over the Court, with Knight-Bruce as a colleague, for thirteen years. Of Turner, Lord Selborne says: "There has not been upon the bench in my time a man of finer judicial qualities" (*Memorials*, Part II., vol. i., p. 44).

Turner's judgments are reported: as Vice-Chancellor, in *Hare*; as Lord Justice, in *De Gex*, *Macnaghten and Gordon*, *De Gex and Jones*, *De Gex, Fisher and Jones*, *De Gex, Jones and Smith*, *Law Reports Chancery Appeals*, *Equity Reports*; as a member of the Judicial Committee, in 7, 9—15, *Moore Privy Council*, 1—5 *Moore, Privy Council (N.S.)*, 5—10 *Moore, Indian Appeals*, *Law Reports, Privy Council*.

**WEDDERBURN, ALEXANDER, LORD LOUGHBOROUGH, afterwards EARL OF ROSSLYN (1733—1805).**

Chief Justice of the Common Pleas, 1780—1793; Lord Chancellor, 1793—1801.

Lord Loughborough excelled in the power of marshalling facts, but not as a lawyer. No reports exist for the first eight years of his Chief Justiceship; his later decisions while holding that office are reported by Henry Blackstone. In Lord Campbell's opinion "from his quick perception of facts and capacity of being made to understand nice legal questions with which he was little familiar, he was praised by Chancery practitioners as an equity judge rather beyond his merits" (*Chancellors* (1847), vi. 236). Charles Butler writes of him: "The greatest detractors from his merit acknowledged the perspicuity, the luminous order, and chaste elegance of his arguments. . . . His greatest failings were that he too clearly showed his want of attention to much of what he heard from the





bar and his want of real taste for legal learning" (*Reminiscences*, i. 143).

His decisions in the Court of Chancery are reported by *Cox*, *Vesey junior*, *Brown*, and *Dickens*.

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**WESTBURY, LORD.** See *Bethell*.

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**WIGRAM, THE RIGHT HON. SIR JAMES (1793—1866).**

Vice-Chancellor, 1841—1850.

In 1831 Wigram published 'An examination of the Rules of Law respecting the admission of extrinsic Evidence in aid of the interpretation of Wills,' a work which passed through four editions. He also published 'Points in the Law of Discovery' (1836). In October, 1841, he and Knight-Bruce were selected as the two first Vice-Chancellors under the Act 5 Victoria, c. 5, and were sworn Privy Counsellors in the following January. His judgments were remarkable for their clear exposition of the law, and, being given to the world by so excellent a reporter as *Hare*, have won a deserved reputation. Some of his decisions are also reported by *Holt* (1845).

The Vice-Chancellor retired, owing to ill-health, in 1850. He does not appear to have delivered any judgments in the Judicial Committee.

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**WILDE, THOMAS, LORD TRURO (1782—1855).**

Chief Justice of the Common Pleas, 1846—1850; Lord Chancellor, 1850—1852.

Lord Truro suffered from an impediment in his speech which made him incapable of pronouncing certain words, and he overcame the infirmity by constructing a table of synonyms which he taught himself to apply instantly as occasion arose in place of the obstructive words (*Hansard*, 14 March, 1856, cxli. 127). His industry was prodigious; according to Lord Campbell, his daily habit was to go to Chambers at six in the morning and except for his attendance in court and a few minutes for dinner, to remain there till between two and three the next morning. His judgments as Chief Justice bear a high character, and are reported in 3—10 Common Bench Reports. He became Chancellor with little or no knowledge of the practice and procedure of the Court of Chancery, but by intense application and by writing his judgments, he gained the reputation of a sound equity judge, and none of his reported decisions in that court were overruled (*Atlay, Victorian Chancellors*, i. 453). They will be found in 3 *Macnaghten and Gordon* and 1 *De Gez, Macnaghten and Gordon*. Upon his resignation of the Chancellorship in 1852 he continued to sit in the House of Lords on the hearing of appeals; his judgments in that House are in 3 and 4 *House of Lords Cases*; on Scotch Appeals in 1 *Macqueen*.

**WOOD, WILLIAM PAGE, LORD HATHERLEY (1801—1881).**

Vice-Chancellor, 1853—1868 ; Lord Justice of Appeal, March—December, 1868 ; Lord Chancellor 1868—1872.

Lord Hatherley's character as a judge is thus summed up by Lord Selborne, his successor in office : " If I were asked what qualities of Lord Hatherley distinguished him most from other good and able men whom I have known, I think I should mention his simplicity, straightforwardness and entire freedom from all forms of pride. He was a resolute and courageous man—strong in his convictions and never flinching from them, quick of apprehension and clear in judgment. But he was also patient and candid, gentle and courteous. . . . As a judge his merits and defects were alike traceable to these qualities in his character. His patience and courtesy led him to listen attentively to the arguments on both sides without inconvenient interruptions. His candour and consideration for the advocates and their clients led him to deal, in his judgments, with the various points taken in argument, sometimes more fully than was necessary for the purposes of the immediate question. His quickness of understanding and sound and ready knowledge of law, enabled him to dispose of most of the cases brought before him, without delay ; and his unambitious temperament made him perhaps too negligent about the form of his judgments, which were generally not committed to writing. They were from these causes often discursive and wanting in conciseness, but they were almost always sound and accurate, and the parties concerned seldom left his Court without feeling that everything which they had to say had been properly considered. There were few appeals from his decisions, and most of those appealed from were confirmed " (W. R. W. Stephens, *Memoirs of Lord Hatherley*, ii. 281).

According to Sir George Jessel, " V.-C. Wood often altered his judgments considerably in the reports and thus retracted on mature consideration anything he had hastily said in Court " (*Re Mowlem* (1874), 43 L. J. (ch.), at p. 354). The late Mr. G. W. Hemming, K.C., who had been reporter in V.-C. Wood's court, used to say that he was not easy to report owing to the fact that in his judgments he seldom finished a sentence, and the burden was thus laid on the reporter of constructing the judgment from incomplete materials. From this it may be gathered that the authorized reports of the Vice-Chancellor's decisions are of more value than those which had not the advantage of his revision.

" Conciseness was not among the many merits of Lord Hatherley," was said by another old reporter (Lord Blackburn, in *Murray v. Scott* (1884), 9 A. C. at p. 550).

Lord Hatherley's decisions as Vice-Chancellor are in 10 and 11 *Hare, Kay, Kay and Johnson, Johnson, Johnson and Hemming, Hemming and Miller*, the *Law Reports*, and in 1—3 *Equity Reports* ; as Lord Justice of Appeal and Lord Chancellor in the *Law Reports*.

**YORK, ARCHBISHOP OF.** See *Thomson*.



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